

**CITY OF CHARLOTTESVILLE**  
**DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES**  
**STAFF REPORT**



**PLANNING COMMISSION PUBLIC HEARING**  
**REQUEST FOR A ZONING TEXT AMENDMENTS**

**APPLICATION NUMBER: PL-25-0172: A Comprehensive list of Tier 1 and Tier 2 Amendments**

**DATE OF HEARING: January 13, 2026**

**Project Planner:** Matthew Alfele, AICP, Development Planning Manager

**Date of Staff Report:** December 16, 2025

**Applicable City Code Provisions:** Chapter 34 – Article 5, Division 5.2.5 and Articles 2, 3, 4, 5, 6, and 7.

**Summary**

On December 18, 2023, City Council adopted a new Development Code designed to facilitate a more form-based zoning ordinance, allowing for increased density throughout the City in alignment with the 2021 Comprehensive Plan. As with any evolving framework, staff has identified both minor and significant issues within the code that require amendments to better support the City’s stated goals.

These proposed amendments have been categorized into three tiers:

- Staff is proposing sixty-three (63) Tier 1 (Attachment A) amendments: The following Tier 1 Development Code Amendments are categorized into three distinct subcategories.
  - The first subcategory addresses Scrivener errors, which are minor typographical or clerical mistakes.
  - The second subcategory includes changes necessitated by recent state legislation, specifically under HB2660 and SB974. HB2660: Shortens the timeframes for various local government approvals of subdivision plats and site plans. Additionally, the bill calls on the Virginia Code Commission to convene a work group consisting of various stakeholders to review existing provisions related to the submission, review, and approval of subdivision plats and site plans. The work group shall develop recommendations to (i) organize procedural steps in a clear, logical, and sequential order to enhance ease of reference; (ii) clarify the processes, requirements, and timelines applicable to each type of plat or plan; (iii) standardize terminology to ensure consistency, reduce ambiguity, and minimize misinterpretation; and (iv) identify and eliminate redundant or

duplicative provisions to streamline the Code and improve its usability and shall submit a report to the General Assembly by November 1, 2025.

- SB974: Removes planning commission and governing body approval authority for the administrative review process for plats and plans and assigns such authority solely to a designated agent, defined in the bill. However, the bill provides that the local planning commission may serve as the designated agent of any locality with a population of 5,000 or less. The bill also expedites the review process by shortening the timeframe for forwarding plats and plans to state agencies for review.
- The final subcategory comprises minor amendments aimed at clarifying or providing missing information that required minimal feedback from Planning Commission. Each amendment includes a reference to the Working Document designation, the Development Code Section, page number, the current existing text, track changes to the text staff is suggesting, and finally a clean version of the proposed amendment.
- Staff is proposing twenty-three (23) Tier 2 amendments (Attachment B): These amendments include modifications/updates, additions, or removals that address oversights or clarify existing provisions and were presented to Planning Commission at the November 12, 2025, Work Session. As with Tier 1, each amendment includes a reference to the Working Document designation, the Development Code Section, page number, the current existing text, track changes to the text staff is suggesting, and finally a clean version of the proposed amendment. In addition, each Tier 2 code amendment include a detailed analysis explaining staff's position and reason for the change.
- Tier 3: Policy changes or confirmations that require in-depth analysis and a comprehensive community engagement strategy. This Tier is not part of the proposed amendments staff is presenting, but the issues expressed in this tier, along with additional background information can be found in the attached (Attachment C) Working Document.

### **Standard of Review**

The role of the Planning Commission is to make an advisory recommendation to the City Council, as to whether or not Council should approve a proposed zoning text amendment based on the factors listed in the Charlottesville Development Code - Article 5, Division 5.2.5.D

1. Whether the proposed amendment conforms to the general guidelines and policies contained in the Comprehensive Plan;
2. Whether the proposed amendment will further the purposes of this Chapter and public necessity, convenience, general welfare, and good zoning practice require such amendment;

3. Whether there is a need and justification for the change;
4. When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the Planning Commission must consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification; and
5. Such other considerations as permitted by law.

**5.2.5.D.1 Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan.**

*Below are specific areas of the Comprehensive Plan for which the request is in compliance:*

**a. Land Use, Urban Form, and Historic & Cultural Preservation**

**Goal 1: Zoning Ordinance**

*With the community, create a new zoning ordinance to reinforce and implement the vision for Charlottesville's future as articulated in the Comprehensive Plan, Affordable Housing Plan, Small Area Plans, Vision Plans, and the Standards and Design Manual.*

**b. Housing**

**Goal 2: Diverse Housing Throughout the City**

*Support a wide range of rental and homeownership housing choices that are integrated and balanced across the City, and that meet multiple City goals including community sustainability, walkability, bikeability, ADA accessibility, public transit use, increased support for families with children and low-income households, access to food, access to local jobs, thriving local businesses, and decreased vehicle use.*

**c. Transportation**

**Goal 2: Coordination with Land Use & Community Design**

*Improve quality of life and promote active living by reducing automobile use and congestion and supporting multimodal options for safe and convenient travel in conjunction with implementation of the Future Land Use Vision.*

**d. Environment, Climate, and Food Equity**

**Goal 6: Tree Canopy**

*Contribute to the creation, protection, and expansion of robust urban forests.*

**e. Community Engagement & Collaboration**

**Goal 3: Transparent Procedures**

*Establish and maintain transparent planning processes.*

**5.2.5.D.2: Whether the proposed amendment will further the purposes of this Chapter and public necessity, convenience, general welfare, and good zoning practice require such amendment.**

These amendments are intended to be part of an annual process and should be regarded as routine maintenance of the code. This approach ensures that the code remains up-to-date and continues to serve the public necessity, convenience, general welfare, and good zoning practice.

**5.2.5.D.3: Whether there is a need and justification for the change.**

The proposed amendment addresses current gaps and inconsistencies within the code, ensuring it remains relevant and effective. This change will enhance the overall functionality and applicability of the code, aligning it with the evolving needs of the community.

**5.2.5.D.4: When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the Planning Commission must consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification; and**

This zoning text amendment does not include a change in the zoning district classification of any particular property.

**5.2.5.D.5: Such other considerations as permitted by law.**

No additional areas have been identified at this time.

**Public Comment**

Planning Commission held Work Sessions on the proposed Development Code Amendments on May 27, 2025, October 14, 2025, and November 12, 2025. Comments from these meetings can be found in the Working Document (Attachment C). In addition, staff has received comments from the community regarding the Development Code and amendments needed. These comments can also be found within the Working Document.

During the Planning Commission's November 12, 2025, Work Session, commissioners discussed various amendments and provided suggestions to staff. Below are some key points and how they have been addressed:

- **A.70 (now B.42) - Existing Structure Date** The Planning Commission was concerned that a fixed date might exclude new units from qualifying for the existing structure bonus. Staff's proposed amendment aims to preserve and rehabilitate existing housing stock, aligning with the affordable housing goals of the Comprehensive Plan and Charlottesville Affordable Housing Plan. The current proposal uses the code adoption date (December

18, 2023) as the cutoff. A rolling allowance could undermine preservation efforts and allow developers to exploit loopholes. Clear guidelines are needed to prevent new homes from immediately qualifying for the bonus.

- **B.1 - Side Setbacks and Attached Dwelling Units** The Planning Commission expressed concern that developers might only build one side of attached units. Staff reworked the amendment to add minimum side lot line setbacks for attached structures in R- and RN-districts, allowing for attached residential construction while preserving existing setback requirements for other developments. Staff also added language to better define that side lot line attached setbacks are only permitted within a common project.
- **B.28 - Fences and Walls** The Planning Commission had concerns about changing the definition of a fence and allowing 6-foot fences. Staff revised the amendment to provide exceptions for small non-privacy fences, maintaining established standards while introducing flexibility. Guardrails required by building codes or state regulations are exempted, ensuring safety and compliance while reducing regulatory burdens.

### **Staff Recommendations**

Staff recommends that the zoning text amendments be recommended for approval by the Planning Commission to City Council as written to amend and clarify the City of Charlottesville Development Code.

### **Suggested Motion**

1. Based on a finding that the proposed zoning text amendments will serve the public necessity, convenience, general welfare, or good zoning practice. I move to recommend approval of the batch of zoning text amendments as proposed by staff within this report:

**OR,**

2. Based on a finding that the proposed zoning text amendments will serve the public necessity, convenience, general welfare, or good zoning practice. I move to recommend approval of the batch of zoning text amendments as with the following modifications:
  - a. ...
  - b. ...
  - c. ...

**OR,**

3. I move to recommend denial of this batch of zoning text amendments on the basis that the proposal would not service the interests of the general public and good zoning practice.

### **Attachments**

ZT25-01-01: A Comprehensive list of Tier 1 and Tier 2 Amendments

- A. Tier 1 Amendments
- B. Tier 2 Amendments
- C. Working Document