

Development Code Proposed Amendments Working and Tracking Document 2026

This is a working document and provides a log of Development Code issues and proposed amendments to the City’s 2023 Development Code (Chapter 34). The outline is divided into three categories to help prioritize amendments and desired outcomes.

Tier 1

This category includes grammatical edits and small changes that will clarify selected code language without altering the intent of each section. Public engagement should be limited to Public Hearings at Planning Commission and City Council. **This will also include updates to the Development Code required to stay in compliance with State enabling legislation changes.**

Tier 2

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

Tier 3

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

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

Tier 1 (A)						
Number	Page	Code Section	Current Language/Issue	Suggested Language/Change	Responsible Staff	Date Adopted by CC
A.1	5-41	5.2.10.A.1	The Tree Removal Permit does not distinguish between a stand alone permit to remove a tree and tree removal related to a larger site development (going through Development Review). This is causing two applications for Development Plans and FSP.	Add a “b. Trees being removed as part of a project required to go through Development Review.”		
A.2						
A.3						
A.4						
A.5						
Tier 2 (B)						
Number	Page	Code Section	Current Language or Problem	Suggested Language or Issue in Question	Responsible Staff	Date Adopted by CC
B.1	Sight Distance	NA	B.6 on the 2025 list (did not move forward). Nothing in the new code provides details on a sight distance triangle. May 27, 2025, Planning Commission Work Session: This needs more study as PC would not want VDOT regs as it would create too large of a triangle. 9/9/2025: Due to timing this will be moved to the 2026 list.	Could use the section from the 2003 Code (Sec. 34-1121. - Sight distance—Required sight triangle.) Collaboration with the City Traffic Engineer before any change is made.		

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B.2	2-98	2.10.1.D	<u>B.10 on the 2025 list (did not move forward).</u> Yard designation details graphic	The text bases yard on street-facing facades, which are within 50-ft of the lot line. It uses "the primary building's street-facing facade" but it is not clear if it is the primary building or the primary facade and how that is defined. So, the text reads that the yard is between lot line and any facade which meets the street-facing facade standard, or any facade within 15-ft of a street-facing facade. This is inconsistent with the graphic.		
B.3	4-24	4.5.1.C.3	<u>B.20 on the 2025 list (did not move forward).</u> Provides "linking" requirements before "direct" requirements, but this should be reversed to match 4.5.1.C.2. Also not clear why we need a Type 1 and direct when they are one and the same and vice versa. 10/7/2025: This amendment is not ready to move forward and will be placed on the 2026 list.	Reverse order and reconsider categories.		
B.4	7-15	7.2	<u>B.22 on the 2025 list (did not move forward).</u> Grade, finished. 9/9/2025: This needs additional study and will be moved to the 2026 list.	Additional clarifying language is needed. Intent to measure at building footprint?		
B.5	5-58	5.2.16.C.4	<u>B.23 on the 2025 list (did not move forward).</u> City Council Decision details <i>"The City Council will conduct a public meeting on the application. The City Council may hold a joint public meeting with the Planning Commission."</i> 8/12/2025: Staff note. Add this to next years (2026) review. Change Critical Slopes Planning Commission and City Council action to match that of Special Exception Permit and/or what comes out of the Long Range Planning Environmental study.	This language matches items such as SUPs which require a public hearing, but not items like SEPs which require a public meeting same as the Critical Slope SEP.		
B.6	5-37	5.2.9	<u>B.37 on the 2025 list (did not move forward).</u> Changes to the Development Code Process to allow more types of development to go straight to Building Permit review 9/9/25 (more information will be provided after we meet with different departments and get additional feedback).	We are looking at two options. 1 would keep our current policy of allowing one and two units to go straight to Building permit review (codifying it). The other option (which is the one we are moving forward) would allow development within the R districts (provided certain standards are met) to go straight to Building Permit review		
B.7	2-85 to 2-87	2.9.3.B	<u>B.39 on the 2025 list (did not move forward).</u> Individually Protected Properties are represented as both a chart and a overlay on the official Zoning map. This creates issues as any change (adding an IPP or removing and IPP) requires both a Zoning Map amendment and a Zoning Text amendment	Staff recommends removing the chart and only using the overlay on the official Zoning Map.		
B.8	4-27	4.5.2.C.1	<u>B.41 on the 2025 list (did not move forward).</u> Required Bicycle Parking. The code is requiring Hotels to be treated as Commercial which is in turn requires a unreasonable amount of bicycle parking.	Staff reached out to Code Studio to make sure we were reading the code section correctly and they responded in an email on November 6, 2025 with: <i>"Great question, under the current code language, you are interpreting this correctly that a lodging use is a commercial use and would be calculated as you have outlined. This could be an opportunity for administrative relief, or a potential text amendment where lodging uses get listed as a new line on the bicycle parking table with lesser requirements. This could be per SF or per room, for example, in Raleigh, NC we specified long-term bike parking as 1 space per 20 rooms (4 min) and short-term bike parking as 1 space per 40 rooms (4 min).Happy to brainstorm more as needed, Christy"</i>		
B.9			Food truck courts (places in the City where multiple food trucks could gather. This came out of a conversation that under the current Temporary Use section only one food truck is permitted per lot. This is an issue, but it also prevents something like a food court for food trucks.	An idea to address this is 1. Amend the temporary sections, and 2. Look into the idea of an Alternant Form section for Food Truck Courts.		

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B.10	2-108	2.10.4.C	Outdoor Amenity Space. The requirements for outdoor amenity space is just a flat percentage and does not take into account the quality of the space.	Could allow for less percentage if the amenity space is active instead of passive. This is used in other localities and would take some research.		
B.11						
B.12						
B.13						
B.14						
Tier 3 (C)						
Number	Page	Code Section	Current Language	Staff Notes		
				*Community Engagement and analysis will be required.		
C.1	2-9 (etc.)	2.2.2.B.1 (etc.)	Height is based on unit count. (moved to B.33) 11/12/25: PC Work Session moved this back to Tier 3 as there needs to be a deeper dive into what a Building is and if it is the Lot or the Building that needs to have more than one unit in it to get the bonus height.	Building height is for the number of units within the building. If you have one building and it has more than one unit within the building, you get the additional height. If you have multiple units on a site, but they are each in their own individual unit, you do not get the additional height. This is problematic for R-A, R-B, and R-C.		
C.2		2.10.10 Massing	This dovetails into the item C.1 (moved to B.33) 11/12/25: PC Work Session moved this back to Tier 3 as there needs to be a deeper dive into what a Building is and if it is the Lot or the Building that needs to have more than one unit in it to get the bonus height. Resolved 2025 with B.5 Accessory Uses/Structures and Nonconformity Build-to	Building is not clearly defined when it comes to "Height" and "Massing". The example is: If I have seven townhomes along a primary street in the R-B, the massing and height is all dependent on where the property lines are for each unit. If it is seven townhomes with no property line at the shared wall (all seven are on one lot in a condo) the "building" can only be 60' long on the primary street, but it is a building with seven units in it and can be 3 stories (and 40'). But, if there are property lines running through the shared walls, each unit is a building and can, individually, be 60' long, but only 2.5 stories (35'). From the outside they would present very differently but the only difference is where the invisible property line is. Staff believes this was resolved with the B.5 amendment as it added the definition of Primary Building: "Building, Primary- The building or buildings occupied or designated for the primary/principal use on a lot or site." By adding "site" a building can now cross a property line (duplex or townhouse) and be considered one "building" on a site for the purpose of bonus height.		
C.3	2-40	2.5.6.A.6	Will eventually reference Type B and D (in Category 1 as well). Resolved 2025 with A.16	See Downtown Mall Management Plan for recommendations on transitions.		
C.4	2-97	2.10.1.D	Yard designation details This could be a Tier 1 as the change might only involve including "primary building".	This section refers to primary structures, but we should consider changing to primary buildings. If structures, a raised deck (etc.) would qualify and we should work through implications.		
C.5	2-104	2.10.2.B.3.c	Lots having vehicular access from any street other than a primary street, or not having vehicular access at all, must meet the minimum width required for lots with other vehicular access specified by the zoning district.	Assuming this is meant to describe the "side/rear access" width in the districts, should this say: "...from any side street, alley, easement, or other right-of-way not designated a primary street..."? This seems confusing because it only says "from a street or no access" which leaves out everything I listed out.		
C.6	Various	Various	Structure, accessory structure, etc. Resolved 2025 with B.5 Accessory Uses/Structures and Nonconformity Build-to	Deeper dive on structure, accessory structure, and associated requirements. Consistency issues, as well as intent (interior non-conforming lots vs corner non-conforming lots).		
C.7	4-11	4.3.2.B.2	Mid-block pedestrian pathways	This section is set up on the assumption there is only 1 primary street frontage, which is often not the case. Needs revision/study.		
C.8	4-5	4.2.1	Existing structure preservation bonus does not specify a timeframe to qualify as an existing structure. Moved to Tier 1 (A.70) by Planning Commission at the work session on May 27, 2025 Moved to Tier 2 (B. 42) by Planning Commission at the Work Session on November 12, 2025 Resolved 2025 with B.42	CodeStudio has verbally stated that this is for structures pre-dating the code, but that is not specified here. As written, someone can build a structure and then immediately use it to get the bonus as an existing structure.		
C.9	NA	4.4	The Street Typology Map needs revision. The Local designation is not in the legend, and the green marking on the Mall needs to be removed as it is not a category on the map.	Map quality is also substandard.		

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C.10	4-27	4.5.2.B.2	Projects with 1 to 4 dwelling units are not required to provide short-term or long-term bicycle parking.	Consider whether this should be applied per lot or per project. Tie to discussion of definition of project. Do we want project with 4 or fewer dwelling units to be exempt from short and long term bicycle parking?
C.11	5-54	5.2.15.A	<p>A <i>Special Exception Permits</i> may be granted for physical dimensional standards described in the following Division... needs revision to account for the determination that parking location and other potential locations are permitted modifications allowed under SEP.</p> <p>May 27, 2025, Planning Commission Work Session: PC did not feel removing or adjusting the SEP is appropriate at this time.</p> <p>The other issue is that Special Exception Permits are only for “physical dimensional standards” and not the regulation for the standard. The example being a SEP could be requested to change the dimensional standards of a bike parking space, but it could not be used to reduce the number of spaces required.</p>	<p>Also consider removal of 5.2.15.A.2.a (Div 2.10 Rules for Zoning Districts) per input from Freas on requiring a ZMA instead.</p> <p>Staff would recommend changing 5.2.15.A.1 to state “The City Council may grant a modification of any physical dimensional <u>or numerical</u> standard of this Development Code by Special Exception Permit.”</p>
C.12	7-19	7.2	<p>Project Any activity, including subdivisions, new construction, additions, site modifications, façade modifications, changes of use, renovations, and maintenance and repair, on a parcel that is controlled by this Development Code.</p> <p>Staff determined that this is not an issue due to section 7.1.1.K.1.d Tenses and Plurals</p>	Language implies this is only upon one parcel. Discuss intention and revision.
C.13	7-8	7.1.2.C.4	Site Modification	<p>If you read this with what a "site" is under E on page 7-9, a Site Modification is only a change to the land and not what is on it. We need something more like our old Site Plan Amendment.</p> <p>Site: A single lot or group of connected lots owned or functionally controlled by the same person or entity, assembled for the purpose of development.</p> <p>Lot: A parcel, tract, or area of land established by a plat or other means as permitted by law, which is to be used, developed, or built upon.</p> <p>Site Modification: Any modification of an existing site that affects less than 50% of the existing site area, up to 25,000 square feet of affected site area.</p> <p>Staff recommends changing the definition of a Site to “<i>A single lot, group of connected lots, <u>or improvements</u>, owned or functionally controlled by the same person or entity, assembled for the purpose of development.</i>” Additional study is suggested.</p>
C.14	7-9	7.1.2.E.2	<p>Defining a lot</p> <p>Staff determined that this is not an issue due to section 7.1.1.K.1.d Tenses and Plurals</p>	<p>This and the definition of parcel should be considered together.</p> <p>Parcel. A contiguous portion of land that is assigned a unique identification number by the Office of the Assessor. (7-19)</p> <p>Lot: A parcel, tract, or area of land established by a plat or other means as permitted by law, which is to be used, developed, or built upon. (7-9)</p>
C.15	7-10	7.1.2.E.3.b	Sublot access	Add clarifying language that easement may be through other zoning lots.
C.16	2-133	2.10.10B.2	<p>Active Depth Applicability</p> <p>Planning Commission has expressed an interest to reexamine active depth. They would like to have a better definition and look at where active depth is needed and where it is not needed. An example would be the current requirement on the mall that active depth is the full height of the building along the façade.</p>	This section prevents structured parking as a standalone use, but the structured parking section (4.5.5.C.7) provides screening requirements which may imply the standalone use is okay. Language on 2-133 is contradictory regarding ground floor. The section states Active Depth is for the portion of the building use to meet the minimum build to width requirement. But that requirement is only for ground stories of a building.
C.17	2-148	2.10.13	Entrances	Update to match previous determinations or better clarify.
C.18	4-43	4.5.7.C	Active depth vs. garage. Link to active depth.	Further study needed.
C.19	4-103	4.12	Nothing in the Lighting section addresses athletic field lighting. The maximum fixture height is 15’ and that would not work for ball fields.	
C.20	4-32	4.5.3.D.2	This section contradicts 4.5.1.C.a.i.d which calls for all pedestrian paths to be physically separated from the motor vehicle use.	
C.21	4-80	4.10.1.B.1	Critical Slope regulations are redundant given current VESMP regulations for larger developments, which require engineered erosion and stormwater plans to be approved for land disturbance greater than 6,000 square feet.	Add language: “Critical slope requirements apply to project sites not subject to Erosion and Stormwater Management (ESM) Plans that include any portion of sloped area that has all of the following criteria:”

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			This is being studied as part of the Comprehensive Environmental Study and Update by NDS Long-range Planning Division as part of the Department's 2025/2026 Work Plan.	
C.22		2.10.5 and 2.10.6	Setbacks and Build-to. Planning Commission would like to do a deeper dive into the current regulations related to Build-to and Setbacks.	The new Development Code relies heavily on Build-to requirements. This is very different from our old code, and it is creating a lot of issues. It would be a big lift to redo the code to remove Build-to regulations, but it might be worth studying where there can be relief from the regulations. In 2025 we updated sections of the code to allow relief for developments taking advantage of the existing structure bonus. There might be an opportunity to look at other such reliefs (buildings that are IPPs or Contributing structures in the Design Districts).
C.23				
C.24				
C.25				
C.26				
C.27				
Planning Commission				
Number	Page	Section	Notes	Staff Notes
D.1.	4-18	4.4.5.A.3	Before the code was approved, I had asked James what happens if you can't fit the required greenscape and walk zones in the right of way, and my understanding was that the building setbacks would be moved back to allow for them to be installed. For example, if you have a maximum setback of 10', and due to site constraints, the streetscape can't fit, that maximum setback would be moved back enough to allow it to fit. That's how I interpret section 4.4.5.A.3. "When there is not enough room in the public right of way for the required streetscape, the clear walk zone and greenscape zone must be provided on-site as a permanent public access easement." Are we enforcing this? In preliminary discussions with applicants to the BAR, we've had some say they spoke to staff and are unable to provide the required street trees because of the maximum setbacks.	After reviewing with staff and the code. This interpretation is correct and has been utilized by Planning staff. Other types of easements such as utilities is not contemplated in the code but is being addressed with this batch of amendments.
D.2.			Doors swinging over the ROW. The building code actually prohibits this, but there have been instances where it has been excused by our code officials because there's not life safety issue. Can we add to the zoning code that doors should not swing over the public sidewalk?	
D.3.			Definition of an entry: I think you all are on this after the apartment project at 1609 Gordon Ave. Does an entrance have to open to an active space? Should it be allowed to go to a garage, internal courtyard, or exterior stair? We should add some clarity to the code on this.	2.10.13 Entrances (page 2-148) The Street-Facing Entry Spacing states "A maximum distance between street-facing doors providing access from the public realm to the interior of a building." For this project (RX-5) the code requires an "Entry Feature" and "A street facing entry every 40' or 60' depending on the type of street. This section of the code is very confusing and convoluted. It would need a lot of thought and work.
D.4.			Active Depth – this seems to keep coming up as preventing buildings from providing internal parking. Is it too deep? Do we need to consider some exceptions or methods for providing internal parking?	
D.5.	2-132	2.10.10.A.5	2.10.10.A.5: Building Width Exception. "The depth of the open space must be at least equal to the width of the open space or 30', whichever is less." I propose reducing that minimum depth to 25'. A building built over a parking garage is 60' wide (1'+18'+22'+18'+1'). If you have a double-loaded corridor building above the parking garage, a 30' deep open space will cut into the corridor. The depth should be no deeper than an apartment depth.	
D.6.			Ground floor definitions seem to keep tripping people up on sloping sites. Are ours too strict?	
D.7.	4-31	4.5.3.D.1.a.vii	Driveway widths – there seem to be no regulations for driveway widths for single family and duplex lots. 4.5.3.D.1.vii seems to show maximum widths, but I understand that staff interprets the code as there being no maximum width for single family or duplex parcels.	Staff does enforce this requirement. The issue can arise from the fact that "parking" space are not defined for any lot with less than 6 spaces.
D.8.			Fences vs guardrails (I assume you all are already on this).	
D.9.			Existing buildings under BAR review – what changes are allowed: There seems to be a debate about the level to which contributing buildings in ADCDs are subject to the zoning code. Under the nonconformities section 5.3.3.B.2:	

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		<p>“If the nonconforming structure to be expanded is also a contributing structure in an ADC District or HC District, or an Individually Protected Property, then that structure is not required to meet any development standard that would require modification of the structure itself, and the Board of Architectural Review must approve a Certificate of Appropriateness for the proposed expansion.”</p> <p>I read that section as saying that if you add onto a contributing structure, the existing structure doesn’t need to be modified to meet the zoning code. In a couple of cases, it appears that staff has interpreted that as saying that the existing building can also be modified in ways that are counter to the zoning code. This could be making it less compliant with transparency requirements by removing windows or removing required entry features for instance. Can we clarify exactly what is allowed to happen when a non-conforming contributing structure is modified and/or added onto?</p>	
D.10.		<p>See B.1: Side lot line (min) 4’ (R-A, RN-A, R-B, and R-C). This section is preventing single-family attached style housing on abutting Zoning lots. May 27, 2025, PC work session: PC does not like the Alternate Form approach and finds that it could be cumbersome. Staff will keep this in mind but is still focused on the Alternate Form as the best solution.</p>	
D.11.		<p>See A.70: Existing structure preservation bonus does not specify a timeframe to qualify as an existing structure. Moved by PC to Tire 2 (from Tire 3) at the May 27, 2025 Work Session. They want to use CodeStudio date of the code adoption as the preservation date.</p>	
D.12.		<p>See B.6: Nothing in the new code provides details on a sight distance triangle. May 27, 2025 Planning Commission Work Session: This needs more study as PC would not want VDOT regs as it would create too large of a triangle.</p>	
D.13.		<p>See B.4: Lots with 1 dwelling unit do not have to provide street-facing entries. May 27, 2025, Planning Commission Work Session: PC does not see this as an issue and suggests something more in line with a street facing feature and not a entry.</p>	<p>Staff originally placed this on the list to highlight that “lots” with only one dwelling do not need a street-facing entry. This is regardless of Zoning District and a little ambiguous. Is this stating that a lot with a commercial building AND one dwelling unit would not need a street-facing entry? Staff may suggest: “Lots in the R-A, RN-A, R-B, and R-C Zoning Districts do not have to provide street-facing entries on a single unit residential dwelling provided no additional dwellings or uses are provided.”</p>
D.14.		<p>See B.13: Vehicle Access. May 27, 2025, Planning Commission Work Session: PC does not see an issue with what is in the Development Code, and it should not be changed to satisfy PWE or Fire.</p>	
D.15.		<p>See B.15: This section is only about Unit Bonus allowances in residential districts, but R-C also has a Height Bonus which is not detailed. May 27, 2025, Planning Commission Work Session: PC did not think the 50% AMI should apply and that this section is not in line with the intent of the code.</p>	
D.16.		<p>See B.27: Canopy set at 10 years May 27, 2025, Planning Commission Work Session: PC brought this up, but only acknowledged it was an issue with no more explanation.</p>	
D.17.		<p>See C.11: A Special Exception Permits may be granted for physical dimensional standards described in the following Division... needs revision to account for the determination that parking location and other potential locations are permitted modifications allowed under SEP. May 27, 2025, Planning Commission Work Session: PC did not feel removing or adjusting the SEP is appropriate at this time.</p>	
D.18.		<p>See B.14: Fence. A constructed vertical barrier of wood, masonry, wire, metal, or other manufactured material, or combination of materials erected to enclose, screen, or separate areas. A fence differs from a wall in not having a solid foundation along its entire length. May 27, 2025, Planning Commission Work Session: PC thinks we could exclude guardrails or measure fence from floor surface and allow 42-inch everywhere (should satisfy ABC). Also guardrail on a wall is exempt, use for elevated surfaces as well (café</p>	

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			example, elevated deck). B.17- confusing. There seems to be some standard that needs to apply. B.21- Fence type x, think its about storage fencing? Or is this supposed to be landscape/transition requirement instead?	
D.19.			See B.17: Where existing streetscapes are determined to be in good condition by the Administrator, they may be used to comply with clear walk zone and greenscape zone requirements provided they comply with all standards in this Division. May 27, 2025, Planning Commission Work Session: PC found this language to be confusing and believes there needs to be a standard.	
D.20.			See B.21: Fence Type X May 27, 2025, Planning Commission Work Session: PC is not sure what this is for, fencing for storage, or for landscaping and transition requirements.	
D.21.			See B.26: No building located on a lot may be wider than the maximum building width allowed by the zoning district. May 27, 2025, Planning Commission Work Session: PC recommended requiring the owner to rezone the lots into one zoning designation.	
D.22.			See B.5: At the November 12, 2026 PC work session, the PC wanted to add this (allowing more primary buildings on a lot without first bringing it up to conformity in regards to Build-to) to a the list to look at in the future.	
D.23.			11/12/25 PC Work Session: PC would like to look into this more as active space and active depth created a lot of conversation (with a lot of it around the term "hall"). For now PC is okay with staff language, but they would like to revisit the concept and where is should be used. (B.24)	
D.24.			1/12/26: PC Chair would like to look into more opportunities to find existing structures "in compliance" when it comes to build-to and setbacks. This came out of B.38 which states "When permitted by the Zoning District, a project eligible for the Existing Structure Preservation Bonus for density will be deemed to comply with the Building Setback requirements." And "When permitted by the Zoning District, a project utilizing the Existing Structure. Preservation Bonus for density will be deemed to comply with the Build-To requirements." The Chair would like to see this expanded to the Design Control Districts.	
D.25.				
D.26.				
D.27.				
D.28.				
D.29.				
D.30.				
D.31.				
Tree Commission				
Number	Page	Section	Notes	Staff Notes
E.1.			Incentives for Tree Preservation - Reevaluate the city's current incentive structure for tree preservation to reward developers who retain healthy, large trees on-site and to ensure that preservation of mature trees is seen not as an obstacle but as a shared value and goal. The current incentive structure—where existing trees are allowed to contribute 1.50-4x canopy area toward meeting minimum canopy requirements—is not effective at promoting overall tree canopy cover in the city. Consider, for example, an incentive structure to reduce or waive stormwater fees as an incentive to preserve mature trees.	
E.2.			Bonds for Existing Plantings - Expand circumstances for when a bond is required to cover existing trees indicated for preservation in site plans for 1 year after the completion of construction (see the cities of Falls Church, Fairfax, and Vienna for precedents).	
E.3.			Tree Preservation Plans - Further define the existing preservation plan requirements to include tree canopies, trunks, critical root zones, and tree protection measures drawn to scale (reference "Best Management Practices for Tree Preservation, Transplanting, Removal, and Replacement"). Support a second Urban Forester position focused on plan review and enforcement of preservation plans.	
E.4.				
E.5.				

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<i>E.6.</i>				
<i>E.7.</i>				
EV Charging Plan				
Number	Page	Section	Notes	Staff Notes
F.1			<p>What: The City can make several changes to the current zoning ordinance to streamline the EV charger permitting process. It can permit chargers as an allowable accessory use to parking lots in all zoning districts for both private and public charging.</p> <p>Why: Public charging stations are accessory use in most instances. However, land use and zoning codes often do not reference or properly categorize EVSE. Subjecting EV charger applications to a conditional or special use permit process requiring additional approvals can add significant staff time to projects and create delays. Explicit directives can increase efficiency to the process by which new EV charging infrastructure can be approved. Providing this information to the public will not only clarify whether a type of charger can be installed but also show that the City supports public EV charging.</p> <p>How: The City can amend Charlottesville Development Code Div. 3.5. Accessory Uses and Structures to establish requirements concerning the siting of EV charging systems for Level 1 and Level 2 charging. The City can codify in the zoning ordinance that EV charging stations are allowed by right in parking lots as an accessory use across residential, commercial, industrial, and other major zoning categories. For DCFC installations, the City may wish to adopt specific provisions, explicitly detailing when EV charging is considered a primary use.</p> <p>The City may require that EV charging in City historic districts, architectural control districts (Figure 41), and entrance corridors be conditional on a Certificate of Appropriateness to ensure that infrastructure additions, landscaping, and related elements will complement the existing area. Providing specific guidance about what types of charging installations the City permits in these zones and any project criteria will aid installation projects and preserve the character of protected areas.</p>	<p>See the CV Charging Plan and look at the City of Fairfax Link to what they are doing</p>
F.2				
F.3				
F.4				
Builders and Developers				
Number	Page	Section	Notes	Staff Notes
G.1	2-101	2.10.1.F	<p>Kevin Riddle: On a project at Cabell Avenue, we encountered a question about ground story interpretation. (See the attached PDF for a graphic.)</p> <p>A question arose about which building level should be classified as the ground level. The doors at the top of the metal stairs are too far above grade— over 6 feet— to count as the ground story. So I determined the level below— accessed from the terrace at the 994’ elevation— should be the ground story. Our architecture and civil engineering team debated this. Some people read the Code to say that the lowest allowable floor elevation in RX-5 is 0’ above existing grade. I argued that it should be interpreted as 0’ above finished grade, based on the language in Division 2.10.1.F.1.a and 2.10.1.F.1.b. (page 2-101). I think the confusion arose in part because the supporting graphic in this section refers to <i>existing</i> grade. It’s in a very small font, but it’s there, and it appears to conflict with the superseding language in the Code’s text.</p> <p>(As an aside, I realize that the use of finished grade to define ground story could conceivably allow a strange— and typically undesirable— scenario where finished grade at building face is <i>very</i> far below the adjacent right-of-way. I think, however, such a scenario is exceedingly unlikely, because almost no owner would gain anything by creating this condition... and the obvious downside of using existing grade at building face to define ground story in a hilly town like ours would be the far more common scenario of a parcel where grade rises from the street: if an owner modified existing grade down to make a front door accessible to a disabled resident, the ground floor would be out of compliance— more than 0’ below existing grade. To instead locate the ground floor elevation at 0’ or higher above existing grade would create the need to ramp up to the front door, which</p>	<p>Staff believes this is a Tier 1 (grammatical issue and can be address with the current round of amendments or in the future). Staff believes the code is clear that words outweighs graphical information per section XXX</p>

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

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G.13			We are a hilly City and that is not reflected in the code. 40' requirement for entrances is an issue. Build-to requirement is for partial blocks and not a development that is taking up the full block. (October 14, PC work session)	
G.14			Build-to width is creating a lot of issues. Utility requirements is a big issue as it takes away from what can be done with sublots. (October 14, PC work session)	
G.15		1.1.6.C Effect of Prior Code 1.1.7 Severability	In light of the issues with the ongoing lawsuit it seems like changing this section of the code to have a better fall back plan would be prudent. I recognize that the ab initio judgement would not have been alleviated by an improved version of this section, but it could help with issues in the future. Allow the prior code to exist as a fall back and/or provide an expedited path to a special use permit for projects that are under review and are impacted by judgements. If code readoption is required consider adopting on a district by district basis rather than all at once Dan Bracey – Two Street Studio October 2025	
G.16		2.10.6 / 2.10.7 Build-to & setbacks	Interactions with minimum primary street build-to widths and transition setbacks create undevelopable lots. For example in a NX lot which has an 85% primary street minimum build to width that has a Type B 15' transition that overlaps with the build to width, the minimum buildable site must have at least 100' of primary street frontage. Provide build-to width alleviation for sites where transition setback zones overlap with build-to width zones Dan Bracey – Two Street Studio October 2025	
G.17		2.10.6.5.c.ii Ped. outdoor amenity space	Meeting the 85% lot line or facade perimeter rule for pedestrian outdoor amenity space is very difficult on sites where the sidewalk and streetscape zone are within the lot boundary. Clarify or designate that the inner line of the required permanent public access easement for streetscape zones will be treated as the street lot line for zoning calculations. Dan Bracey – Two Street Studio October 2025	
G.18		2.10.9.4.a. Ground story definition	The 6' Min/Max determination for ground story is too limiting for the topography in this area leading to a need to break larger buildings into many modules which is very inefficient from a construction perspective Revert to the previous ground story definition of 50% of the floor above/below grade to define ground story or provide administrative alleviation for larger sites on hills Dan Bracey – Two Street Studio October 2025	
G.19		2.10.10.A.3 .b Building width	The intent of this section is to "promote fine-grained patterns of development and prevent long (should read "wide") buildings that are out of context...by breaking wide buildings into multiple, clearly distinguished building widths. The allowance for buildings to abut, but not share structure or components makes building cost and environmentally efficient multifamily buildings on large sites very difficult. 175' (RX-3/NX) accommodates only 5-6 units per street facing facade, severely limiting multifamily buildings on some large sites. 10-12 units per 275' street facing facade in RX-5 and CX is an improvement, but still very limiting on some lots. Eliminate or increase the width restriction in higher density zonings, provide a path for administrative waiver, or provide a path for longer buildings with mandated distinct facades Dan Bracey – Two Street Studio October 2025	
G.20		2.10.10.A.5 Open Space Exception	Active depth requirements still apply to the facade that is pushed back to meet the open space requirement which creates an issue in a multifamily building with a typical podium or deck wrap plan. Pushing the facade back ~30' would typically expose either a corridor or a parking structure. Do not apply the active depth requirements to the facade that is pushed back when using the open space exception. Dan Bracey – Two Street Studio October 2025	
G.21		2.10.10.B.2 Active depth and parking	Residential corridors and parking spaces do not meet the requirements of active depth. This makes typical podium or deck wrap residential layouts very difficult to achieve on most lots that are big enough to support that style of high density multifamily development. Provide guidelines for allowable screening systems for parking areas within active depth zones, do not apply active depth to all stories of primary frontages, or only apply active depth on the primary street frontage. Dan Bracey – Two Street Studio October 2025	

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G.22	2.10.11 Ground Story Height	Required ground story heights in mixed use buildings should be determined based on the predominant use of the building, e.g. a single commercial frontage in a predominantly residential building should not be required to have a taller ground floor height. Change 2.10.11.A.2(b) to define ground story height based on the predominant use of a building. Dan Bracey – Two Street Studio October 2025
G.23	2.10.11.B Finished floor elevation	0' minimum finished floor elevations are extremely limiting on many sites that have significant grade changes or require vehicular access to garages on the same grade as the residential floors. Provide negative finish floor elevations for all districts Dan Bracey – Two Street Studio October 2025
G.24	2.10.13 Entry requireme nts	The issues relating to setbacks, streetscape requirements, build-to, and finished floor elevation make it difficult or impossible to provide access to entries on sites with grade changes along primary facades since there is not enough space to provide the stairs and/or ramps required to access those entries while meeting build-to width requirements. Provide alleviation or alternate for additional entries on sites where this is an issue. Dan Bracey – Two Street Studio October 2025
G.25	3.5.1.b.1 amenity bldgs as accessory us	Residential development amenity buildings currently meet the definitions for administrative determination of accessory use, but are not defined as such Include residential amenity buildings in the Permitted Use Table Dan Bracey – Two Street Studio October 2025
G.26	4.2.2.C.1.b. iii distribution of affordable units	In multi-building residential projects, the requirement to evenly distribute affordable dwelling units throughout a project, i.e. throughout multiple buildings vs centralized in one building, eliminates the ability to utilize funding sources specific to low income/affordable housing Allow projects that fit this case to concentrate units in one building, perhaps with stricter equivalency requirements or with administrative approval. Dan Bracey – Two Street Studio October 2025
G.27	4.4.5-A (1) / 4.4.5-A (3) Setbacks, streetscape , & build-to	Interactions with primary and side street setbacks and streetscape requirements create situations where build-to requirements cannot be met. Required streetscape zones occur within the property lines making it impossible or difficult to meet 15' (RX) and 10' (CX/NX) maximum primary street setbacks. Clarify or designate that the inner line of the required permanent public access easement for streetscape zones will be treated as the street lot line for zoning calculations. Dan Bracey – Two Street Studio October 2025
G.28	4.5.5.B.2 parking structure requireme nts	This states that a parking structure must meet the standards of this Section, however the section includes requirements for continuous curbs, interior islands every 10 spaces, perimeter landscaping, and landscaping on islands and medians which are not generally feasible in parking structures. This is presumably an error that requires a formatting change to this section as parking structures should not and can not be built with these features. Dan Bracey – Two Street Studio October 2025
G.29	4.8.2.C.1.c 0' max wall heights	Retaining walls in yards may not exceed the maximum fence/wall height for the district. Many districts have a 0' maximum wall height which would make it difficult or impossible to develop sites that are above the grade of the sidewalk. Provide exception for this case, restrict retaining walls separately from fences and walls, or do not have 0' maximum wall heights. Dan Bracey – Two Street Studio October 2025
G.30		1. The less certainty, the less development. 2. Not all sites are equal. 3. We only know what we know until we know more. 4. Time kill deals. 5. Lawsuits are terrible for business. 6. Incentives work. 7. Markets always win out. Reference Jeff Levien Letter dated October 21, 2025
G.31		Would like to see the idea of expanding Sublots to all Zoning Districts not just R and RN districts. Nicole Scro (in different meetings through 2025)
G.32		

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