

Development Code Proposed Amendments Working and Tracking Document 2025

This is a working document and provides an outline 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. This is a living document and only intended for tracking and note taking. Comments within this document are not formal recommendations or actions presented by staff but only intended to track and work through issues in preparing any formal future recommendations. Please note that this document only reflects comments up to **December 16, 2025.**

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.

*PP (Planning Commission Suggestions)

* (Tree Commission Suggestions)

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		In the 2025 Staff Report? (mark “Yes”)	Date Adopted by CC
A.1	4-10	4.3.2.B.1.A	“...Administrator may allow once side of a block...”	“...Administrator may allow one side of a block...”			
A.2	6-15	6.7.3.D.1.a.iii	“See 5.2.7 Major Historic Review and 5.2.7 Major Historic Review.”	“ See 5.2.6 Minor Historic Review and 5.2.7 Major Historic Review.”			
A.3	4-48	4.7.1.B.1	Transition matrix is missing the RN-A district.	Add RN-A to the “R” list in both columns.			
A.4	2-19	2.3.2.B.1	“With bonus”	“Bonus: Affordable Dwelling Unit”			
A.5	2-21	2.3.3.B.1	“With bonus”	“Bonus: Affordable Dwelling Unit”			
A.6	2-25	2.4.2.B.1	“With bonus”	“Bonus: Affordable Dwelling Unit”			
A.7	2-27	2.4.3.B.1	“With bonus”	“Bonus: Affordable Dwelling Unit”			
A.8	2-29	2.4.4.B.1	“With bonus”	“Bonus: Affordable Dwelling Unit”			
A.9	2-33	2.5.2.B.1	“With bonus”	“Bonus: Affordable Dwelling Unit”			
A.10	2-35	2.5.3.B.1	“With bonus”	“Bonus: Affordable Dwelling Unit”			
A.11	2-37	2.5.4.B.1	“With bonus”	“Bonus: Affordable Dwelling Unit”			
A.12	2-39	2.5.5.B.1	“With bonus”	“Bonus: Affordable Dwelling Unit”			

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A.13	2-41	2.5.6.B.1	"With bonus"	"Bonus: Affordable Dwelling Unit"		
A.14	2-45	2.6.2.B.1	"With bonus"	"Bonus: Affordable Dwelling Unit"		
A.15	2-47	2.6.3.B.1	"With bonus"	"Bonus: Affordable Dwelling Unit"		
A.16	2-40	2.5.6.A.6	"Type X"	"Type B, D"		
A.17	2-87	2.9.3.B	Chart entry: 104 Stadium Road. This IPP was removed by City Council as part of the VERVE rezoning. This does not need to go to CC as we already have the Ordinance stating this. We just need to update the code.	Remove 104 Stadium Road from chart. *Not an amendment.		
A.18	2-104	2.10.2.B.2.b	"...regardless of the width of the lot, provided, that all other requirements..."	"...regardless of the width of the lot, provided that all other requirements..."		
A.19	3-32	3.4.4.A	"In a RX- District, commercial uses must not exceed 25% of the floor area on a lot."	This information needs to be within the RX- district pages in Division 2.		
A.20	4-5	4.2.1.B.1	"The existing structure bonus applies to any project within Residential A (R-A) or Residential B (R-B) zoning districts where a developer chooses to meet all of the standards of this Section in order to receive a density bonus to the maximum allowed dwelling units per lot."	Needs to include RN-A and R-C, as both districts provide allowances for existing structure bonuses.		
A.21	4-22	4.5.1.B.1	Is missing RN-A	Add to Residential category.		
A.22	2-57	2.8.4.B	Is missing RN-A			
A.23	2-106	2.10.4.A.3.b	Is missing RN-A			
A.24	2-130	2.10.9.B.2	Is missing RN-A			
A.25	3-20	3.4.2.B	Is missing RN-A			
A.26	3-32	3.4.4.B.1	Is missing RN-A	Tie to updates to Transition section (must be added there as well).		
A.27	3-32	3.4.5.A.1.a	Is missing RN-A	Tie to updates to Transition section (must be added there as well).		
A.28	3-33	3.4.5.A.3.c	Is missing RN-A	Tie to updates to Transition section (must be added there as well).		
A.29	3-33	3.4.5.A.4.a	Is missing RN-A	Tie to updates to Transition section (must be added there as well).		
A.30	3-38	3.5.2.H.1	Is missing RN-A			
A.31	3-39	3.5.2.I.3	Is missing RN-A			
A.32	3-42	3.6.2.C.3	Is missing RN-A			
A.33	3-45	3.6.2.F.3.c	Is missing RN-A			
A.34	4-20	4.4.5.D.3	Is missing RN-A			
A.35	4-37	4.5.5.C.7	Is missing RN-A			
A.36	4-43	4.5.7.C.2	Is missing RN-A			
A.37	4-43	4.5.7.C.3	Is missing RN-A			
A.38	4-75	4.9.1.D.1	Is missing RN-A			
A.39	4-83	4.11.3.B.2.e.ii	Is missing RN-A			
A.40	4-86	4.11.6.A.2	Is missing RN-A			
A.41	4-89	4.11.9.A	Is missing RN-A			
A.42	4-90	4.11.9.C	Is missing RN-A			
A.43	4-101	4.11.11.B	Is missing RN-A			
A.44	4-103	4.12.2.C.4	Is missing RN-A			
A.45	4-104	4.12.3.C.3	Is missing RN-A			
A.46	5-62	5.3.3.B.1.b	Is missing RN-A			
A.47	7-9	7.1.2.E	Is missing RN-A			

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A.48	5-55	5.2.15.C.1.c	"When the property is within an ADC district... recommendation as the to reasonable conditions which, if imposed, would mitigate any such impacts..."	"...recommendation as to the reasonable conditions..."		
A.49	5-57	5.2.16.C.1	"... Planning Commission in advance of the public hearing ..."	A public hearing is not required per 5.1.1. Update to public meeting .		
A.50	5-5	5.1.3.B.1	List of recommendation authority is missing Special Exception Permit	Planning Commission also makes a recommendation on Special Exception Permits per 5.1.1 and 5.2.15.		
A.51	5-29	5.2.7.C.2.c	Move this section to Section 2.9 and provide a reference here to Overlay Districts.	Design standard information is included here but would make more sense to be within Section 2.9 (Overlay Districts).		
A.52	5-62	5.3.3.B	Expansions	The code otherwise uses Addition for this activity. Update to Additions for consistency.		
A.53	5-63	5.3.3.B.2	... or an Individually Protected Property, , then that structure...	Remove extra comma and space.		
A.54	5-34	5.2.8.A	A Corridor Review for a Certificate of Appropriateness is required for the following project activities n on any property located in the Entrance Corridor District:	Remove the extra " n " from sentence.		
A.55	5-38	5.2.9.D.1.a.iii	A Certificate of Appropriateness is also required for 5.2.8 Corridor Review.	Add information regarding COA for Entrance Review.		
A.56	Throug hout		SB974	Removes Planning Commission as the approval authority for administrative review for Subdivisions, Site Plans, and Development Plans. Staff is in the process of identifying the required edits conform to the new regulation.		
A.57	5-3	5.1.1	The Planning Commission is designated as the Appeal body for Development Review.	State authority has been removed. Remove Planning Commission as the Appeal authority.		
A.58	5-4	5.1.3.B.2	The Planning Commission is given authority over preliminary plats and appeals of Development and Subdivision review.	State authority has been removed. Remove Planning Commission authority for Preliminary Plats, Development Review and Subdivision Review. The Commission appears to retain authority over Comp Plan and Entrance Corridor COAs (group/AO to confirm).		
A.59	5-38	5.2.9.D.1.a.i	Planning Commission receives notice of application.	Remove "notify the Planning Commission of the application and" as the Commission no longer has authority over Development Review.		
A.60	5-38	5.2.9.D.1.b	Planning Commission is given authority over Development Review appeals.	State authority has been removed. Remove this section. The revised state code does not appear to give Council appeal authority either?		
A.61	5-39	5.2.9.D.2.a.i	Planning Commission is listed as an authority on Development Review.	State authority has been removed. Remove reference to Planning Commission.		
A.62	5-39	5.2.9.D.2.a.ii	Planning Commission is listed as an authority on Development Review.	State authority has been removed. Remove reference to Planning Commission.		
A.63	6-15	6.7.3.D.1.a	Planning Commission receives notice of application.	Remove "notify the Planning Commission of the application and" as the Commission no longer has authority over Development Review.		
A.64	6-15	6.7.3.D.1.b	Planning Commission is listed as authority for preliminary plats.	State authority has been removed. Remove this section. The revised state code does not appear to give Council appeal authority either?		
A.65	6-16	6.7.3.D.2.a	Planning Commission is listed as an authority on Subdivision Review.	State authority has been removed. Remove reference to Planning Commission.		
A.66	6-19	6.7.4.A	Planning Commission is listed as an authority on Subdivision Review.	State authority has been removed. Remove reference to Planning Commission.		
A.67	6-19	6.7.4.A.4	Planning Commission is listed as an authority on Subdivision Review.	State authority has been removed. Remove reference to Planning Commission.		
A.68	Throug hout		HB2660	Review timelines have been reduced for Subdivisions, Site Plans, and Development Plans. Most of this information is in the City's Development Review Procedures Manual and not subject to requiring a code amendment. Acceptance of applications has been		

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				shortened from 10 days to 5 days, and this will need to be amended in the Development Code. Page 5-12 (5.2.1.C.4.a)		
A.69	5-12	5.2.1.C.4.a	<i>"All applications must be complete before the City is required to review the application. Once an application is received, the Administrator has 10 days to review and determine the completeness of an application. An applicant will be notified of an incomplete application, and the application will not proceed for review or decision."</i>	"All applications must be complete before the City is required to review the application. Once an application is received, the Administrator has 5 days to review and determine the completeness of an application. An applicant will be notified of an incomplete application, and the application will not proceed for review or decision."		
A.70	4-5	4.2.1.C	Existing structure preservation bonus does not specify a timeframe to qualify as an existing structure. Moved by PC to Tier 1 (from Tier 3) at the May 27, 2025, Work Session. They want to use Code Studio date of the code adoption as the preservation date. Moved to Tier 2 (B. 42) by Planning Commission at the Work Session on November 12, 2025	Code Studio has verbally stated that this is for structures pre-dating the code, but that is not specified here. As written, someone can build a structure and then immediately use it to get the bonus as an existing structure. Could add a 4.2.1.C.4 "To be considered existing, the structure must have been built and issued a Certificate of Occupancy prior to December 18, 2025."		
A.71	3-39	3.5.2.1.3	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. (moved up from B.21)	Change Fence Type X to "High Impact Transition Screens"		
A.72	4-48	4.7.1.A.1.	<i>To protect and enhance the character and stability of neighborhoods the compatibility of new development with its surrounding context where the scale of development changes between lots of differing zoning districts; and</i> Missing comma or conjunction	To protect and enhance the character and stability of neighborhoods and the compatibility of new development with its surrounding context where the scale of development changes between lots of differing zoning districts; and		
A.73	2-95	2.10.1.B.1.e.	<i>Miss labelled roman numerals</i>			
A.74	2-41	2.5.6.B	Existing graphic. 9/9/2025: Moved from B.8	Update DX graphic to remove the stepback; implies the stepback is required. It also is implying an additional 30' and 15' of active depth is required (shaded in red).		
A.75	2-97	2.10.1.D	Yard designation details 9/9/2025: Moved from B.9	Based on text, if a site has 2 primary street frontages, they have 2 front yards but there is no graphic demonstrating this or clear language confirming this.		
A.76						
A.77						
A.78						
A.79						
A.80						
A.81						
A.82						
A.83						
A.84						
A.85						
A.86						
Tier 2 (B)						
Number	Page	Code Section	Current Language or Problem	Suggested Language or Issue in Question		Date Adopted by CC

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B.1	2-8, 2-10, 2-12, 2-14	2.2.2.A.4.F, 2.2.3.A.4.F, 2.2.4.A.4.G, 2.2.5.A.4.G	<p><i>Side lot line (min) 4'</i> (R-A, RN-A, R-B, and R-C). This section is preventing single-family attached style housing on abutting Zoning lots.</p> <p>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> <p>11/12/25 PC Work Session: PC does not like the Alternate Form approach.</p> <p>Staff has updated the proposed amendment to provide the allowance in the rules section for applicable zoning districts instead of an Alternate Form addition to move forward to January 2026.</p>	<p>Side lot line (min) 4'</p> <p>Where permitted, Dwelling Unit-Attached with a shared property line may encroach to 0'.</p> <p>Or is could be added to Section 34-2.10.5.E.1 (Exceptions) Dwelling Unit-Attached (this would need a definition under Section 34-7.1.2.A.2)</p> <p>Dwelling Unit-Attached: A dwelling unit that is located on a separate Zoning Lot or Sublot and shares a common wall or one or both sides with a neighboring dwelling. Duplexes and Townhomes are examples of Dwelling Unit-Attached.</p> <p>Working towards an Alternate Form concept.</p>		
B.2	Fee	Fees	<p>Update Fee language to match what we are doing with Amendments and the Development Review process.</p> <p>Staff is working on to move forward to City Council in February or March 2026.</p>	<p>Remove Development Plan Review Minor and Major; Amend Final Site Plan to Major; add Final Site Plan Minor, Development Plan, Sublots, Easement Plat, Revisions to an Approved Development Plan or Final Site Plan; and Remove or Edit Title under Chapter 10 as PWE.</p>		
B.3	4-80	4.10.1.B.2	<p>The code is missing exemptions for the first unit and for lots of record. This would be considered a taking under state regulations.</p>	<p>Add in :“ Any structure which was lawfully in existence prior to the effective date of these critical slopes provisions, and which is nonconforming solely on the basis of the requirements of these provisions, may be expanded, enlarged, extended, modified and/or reconstructed as though such structure were a conforming structure. For the purposes of this section, the term "lawfully in existence" shall also apply to any structure for which a site plan was approved, or a building permit was issued prior to the effective date of these provisions, provided such plan or permit has not expired.”</p> <p>And</p> <p>“Any lot or parcel of record which was lawfully a lot of record on the effective date of this chapter shall be exempt from the requirements of these critical slopes provisions for the establishment of the first dwelling unit on such lot or parcel; however, subparagraph (5)(b) above, shall apply to such lot or parcel if it contains adequate land area in slopes of less than 25% for the location of such structure.”</p>		
B.4	2-148	2.10.13.A.2.d	<p>Lots with 1 dwelling unit do not have to provide street-facing entries.</p> <p>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>11/12/25 PC Work Session: PC wants to add something along the lines of “and no additional primary/principal use...”</p>	<p>This might need more study, but staff may suggest striking this language from the code.</p>		
B.5	Sheds and accessory buildings 5-64 & 65 7-12	Multiple Code Sections within 5.3.3.C 7.2	<p>As the code is written, it is almost impossible to have an accessory structure (shed, garage, pavilion...) on a lot before the build-to requirements are meet.</p> <p>Due to the definition of Building and Structure this section is preventing accessory structures on nonconforming lots.</p> <p>11/12/25 PC Work Session: PC is not concerned with accessory uses or buildings in the front yard. Staff is updating. The fix from staff will only allow accessory buildings to be built without bringing the primary building into conformity. PC would like to look into this in more detail in the future as it would take a deeper look at the code as a whole. The goal of the code is to bring building up to the street. PC is oaky with the half fix, but wants to look at it more. (D.22)</p>	<p>(5.3.3.C Sections) Add “...Primary Building...” to many of these sections.</p> <p>(7.2 Definition Section) “Building, primary. The Building(s) occupied or designated for the primary use.”</p>		

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B.6	Sight Distance	NA	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.		
B.7	2-33 (etc.)	2.5.2.B.4 (etc.)	Double reference to primary/side.	Update “Ground Story (Min)” row to show 70% for Primary Street and 35% for Side Street. Delete 2 rows: “Primary Street” and “Side Street”. This needs correction for NX-3, NX-5, NX-8, NX-10 and DX.		
B.8	2-41	2.5.6.B	Existing graphic. 9/9/2025: Moved to A.74	Update DX graphic to remove the stepback; implies the stepback is required. It also is implying an additional 30’ and 15’ of active depth is required (shaded in red).		
B.9	2-97	2.10.1.D	Yard designation details 9/9/2025: Moved to A.75	Based on text, if a site has 2 primary street frontages, they have 2 front yards but there is no graphic demonstrating this or clear language confirming this.		
B.10	2-98	2.10.1.D	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.11	2-114	2.10.5.D	Measurements based on lot line.	The code provides for “Primary Street”, “Side Street”, and “Rear” setbacks. No text for “Side lot line” setback. This measurement not defined.		
B.12	4-23	4.5.1.C	Pedestrian Access Type 2	Pedestrian Access Type 2: This type of pedestrian access is required in all Residential districts. The standards call for “distance from street intersection (max) to be 100’”. No consideration is given for lots that are more than 100’ from an intersection.		
B.13	4-31	4.5.3.D	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.	Maximum lane widths contradict fire code and the Standards and Design Manual (SADM). 4.5.3.C.1 outlines the conflict. “All vehicle access designs must be approved by the Administrator and must conform to the provisions of the Standards and Design Manual.” Traffic and Fire view “lanes” within a parking lot as travel lanes and what a minimum of 10’ and not 8’.		
B.14	7-14	7.2 Fence	Fence. A constructed vertical barrier of wood, masonry, wire, metal, or other manufactured material, or combination of materials erected to enclose, screen, or separate areas. A fence differs from a wall in not having a solid foundation along its entire length. May 27, 2025, Planning Commission Work Session: PC thinks we could exclude guardrails or measure fence from floor surface and allow 42-inch everywhere (should satisfy ABC). Also guardrail on a wall is exempt, use for elevated surfaces as well (café example, elevated deck). B.17- confusing. There seems to be some standard that needs to apply. B.21- Fence type x, think its about storage fencing? Or is this supposed to be landscape/transition requirement instead? Moved to B.28	This is too vague. Deck railings required by the building code meet this definition, which should not be our intent. We need a better definition of Fence, or we should stop regulating fences (we did not regulate them under the old code).		
B.15	4-8	4.2.2.C.3	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.	A new section or subsection should be added to provide standards for height bonus in R-C. Match standards to the Height Bonus in other districts (50% AMI).		

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			8/12/2025: staff note: Might need to combine language with B.16.		
B.16	4-9	4.2.2.C.4	Current language is not clear that 50% requirement replaces 60% requirement for affordable units. Combined with B.15 above.	Add clarifying language.	
B.17	4-20	4.4.5.D	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. 11/12/25 PC Work Session: PC suggests removing this section as staff suggest, but adding it to the exemption criteria under 4.4.5.E	Comply with all standards is confusing. Interpreted to mean the standards within 4.4.5.D (100-ft max frontage from 4.4.5.D.1). Removed 4.4.5.D.2 as it is not applicable due to having the exception section.	
B.18	2-113	2.10.5.D.2	Where a lot line abuts an access easement, the Administrator will determine whether the setback may be measured from the interior edge of the access easement rather than the lot line. Moved and combined with B-36.	Language should be clearer. Define access easement types allowed (pedestrian, vehicular, etc.) to be clear other types of easements do not qualify.	
B.19	3-36	3.5.2.D.17.k	Refers to kennels. 9/9/2025: Staff determined that we have enough language in the code to address. No change needed.	Kennel is not otherwise defined or used. Consider updating to match other language.	
B.20	4-24	4.5.1.C.3	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.21	3-39	3.5.2.I.3	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.	Tie to larger fence discussions?	
B.22	7-15	7.2	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.23	5-58	5.2.16.C.4	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.24	7-11	7.2 Active Space	Active space. Any occupiable space designed and intended for living, sleeping, eating, or cooking. Restrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered active space. 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.(D.23)	We need a better definition of "Active Space" or a Determination of "Living". The current definition and interpenetration of living prevents a lot of activities from being allowed in the active space depth. These include retail, bookstores, office, CVS... Building suggested using "habitable" space, but that building code section only applies to residential and not commercial spaces.	
B.25	2-133	2.10.10.B.2.d	Lots with 1 dwelling unit do not have to meet the active depth requirements. (Moved to B.35)	This is creating a lot of confusion. Should this say, "single unit dwellings do not have to meet the active depth requirements". Or something along the lines of "Buildings with only one dwelling unit on a lot or subplot do not have to meet the active depth requirements." We might need to also add something for existing buildings.	
B.26	2-131	2.10.10.A.3.a	No building located on a lot may be wider than the maximum building width allowed by the zoning district.	This section does not contemplate buildings spanning more than one zoning district. Revision or clarification needed.	

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			May 27, 2025, Planning Commission Work Session: PC recommended requiring the owner to rezone the lots into one zoning designation.			
B.27	4-75	4.9.1.D.1	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.	Previous code included language to allow us to continue with 10 years (state code is at 20 years), which was not included in this development code. Further study needed.		
B.28	4-70	4.8.1	Fences and Walls 11/2/25 PC Work Session: Planning Commission would like to adjust staff's recommendation from 8' to 4' and have an exception for guardrails/handrails and barriers required by state regulations or building code. Staff is working on updates. Staff updated the amendment to focus more on exceptions and not redefining what a "Fence" is. The update language now excepts fences under 4.5', guardrails, and enclosures required by the state.	Section does not contemplate requirements such as ADC district guidelines. I believe we can address the "fence" issue(s) by: Define Fence (7.2) as <i>A constructed vertical barrier of wood, masonry, wire, metal, or other manufactured material, or combination of materials erected to enclose, screen, or separate areas and is a minimum of six (6') in height or taller. A fence differs from a wall in not having a solid foundation along its entire length.</i> Remove 4' or 0' Fence reference from R-A, RN-A, R-B, R-C, RX-3, RX-5, CX-3, CX-5, CX-8, NX-3, NX-5, NX-8, NX-10, DX, CM, CV, Shopfront House, and Civic Institution with "not allowed". OR: Just remove "Fence" from the Fences and Walls in each district under Article 2. Example page 2-15 2.2.5.6 Change Fences and Walls to just Walls. We would also need to change 4.8 to "Walls". Keep 4.8.1 the same.		
B.29	4-9	4.2.2.C.3.c	Bonuses in Residential Districts Standards 9/9/25: Studied by staff and this is not an issue.	Does this section conflict with the ADU manual requiring a certification for ALL residential projects? Does not conflict so long as "0" or "N/A" certification forms are accepted. OCS staff have accepted these certifications for recent projects. Perhaps the certification form could be adapted to make this easier?		
B.30	4-104	4.12.3.B.3	Lighting must not trespass onto adjacent properties, sidewalks, or rights-of-way and the footcandles at the property line must be no more than 0.5.	"Lighting must not trespass onto adjacent properties and sidewalks not within the proposed development , public rights-of-way and the ..."		
B.31	4-80	4.10.1.C.1 & 2	1. No buildings, structures, or other improvements are permitted in the part of a project site with a grade of 25% or greater. 2. No land disturbance is permitted in the part of a project site with a grade of 25% or greater.	1. No buildings, structures, or other improvements are permitted in the part of a project site within Critical Slopes a grade of 25% or greater. 2. No land disturbance is permitted in the part of a project site within Critical Slopes. grade of 25% or greater.		
B.32			5.2.9. development review rework to match development update processes			
B.33	2-9 (etc.)	2.2.2.B.1 (etc.) And 2.10.10 Massing	Height is based on unit count. Moved from C.1 and C.2 11/12/25: PC Work Session moved this back to Tier 3 (C.1 and C.2) 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. 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		

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				<p>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.</p> <p>Proposes updating the definition of Building to: A covered and enclosed structure, either temporary or permanent, used or intended for human occupancy or for the sheltering of animals or property of any kind. For the purposes of this Code—including determination of lot coverage, unit count, setbacks, and height—any such structure shall be considered a single building even if it is situated on or spans more than one lot or subplot.</p>		
B.34	R-A, RN-A, R-B, and R-C	2-9, 2-11, 2-13, and 2-15	Remove stories from the low density R district and only have height in feet	Suggested change is just to use feet for max height in R-A, RN-A, R-B, and R-C		
B.35	2-133	2.10.10.B.2.d	Update Lots with 1 dwelling unit do not have to meet the active depth requirements. 11/12/25 PC Work Session: PC suggest adding “and no additional primary/principal use...”	Change language to match that of the 1 dwelling unit section for entry feature.		
B.36	2-113	2.10.5.D.2	Where a lot line abuts an access easement, the Administrator will determine whether the setback may be measured from the interior edge of the access easement rather than the lot line. Moved B-18 down to this slot to work into the solution.	This only applies to “access easements” and does not consider other types of easements that would prevent building being placed in the required build-to area. Change language to just easement but keep the determination with the Administrator.		
B.37	5-37	5.2.9	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.38	2-112 & 2-117	2.10.5.B & 2.10.6.A.2	Applicants are running into issues trying to utilize the Existing Structure Preservation bonus with meeting the Building Setbacks and Built-to regulations. 11/12/25 PC Works Session: Change “utilizing” to “eligible”.	Update the Building Setbacks and Build-to sections to indicate that if an applicant is utilizing the Existing Structure Preservation bonus, they automatically meet the Setbacks and Build-to requirements.		
B.39	2-85 to 2-87	2.9.3.B	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.40	2-177	2.10.6.A.2	Running into an issue where an easement my prevent a building from meeting the required Build-to width. The only relief is a variance for SEP.	Update the code to allow the Administrator to set a different build-to width based on existing easements.		
B.41	4-27	4.5.2.C.1	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</i>		

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				<i>as 1 space per 40 rooms (4 min).Happy to brainstorm more as needed, Christy”</i>		
B.42	4.5	4.2.1	Existing structure preservation bonus does not specify a timeframe to qualify as an existing structure. <i>11/12/25 PC Work Session: PC would like to have the a moving date of 8 years to allow new units that are built to use the existing structure preservation bonus. This is moved from C.8 and A.70.</i>	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.		
B.43						
B.44						
B.45						
B.46						
B.47						
B.48						
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) <i>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.</i>	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) <i>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.</i>	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.		
C.3	2-40	2.5.6.A.6	Will eventually reference Type B and D (in Category 1 as well).	See Downtown Mall Management Plan for recommendations on transitions.		
C.4	2-97	2.10.1.D	Yard designation details	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.	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	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.
C.11	5-54	5.2.15.A	<i>A Special Exception Permits may be granted for physical dimensional standards described in the following Division...</i> needs revision to account for the determination that parking location and other potential locations are permitted modifications allowed under SEP. May 27, 2025, Planning Commission Work Session: PC did not feel removing or adjusting the SEP is appropriate at this time.	Also consider removal of 5.2.15.A.2.a (Div 2.10 Rules for Zoning Districts) per input from Freas on requiring a ZMA instead.
C.12	7-19	7.2	Project Any activity, including subdivisions, new construction, additions, site modifications, façade modifications, changes of use, renovations, and maintenance and repair, on a parcel that is controlled by this Development Code.	Language implies this is only upon one parcel. Discuss intention and revision.
C.13	7-8	7.1.2.C.4	Site Modification	If you read this with what a "site" is under E on page 7-9, a Site Modification is only a change to the land and not what is on it. We need something more like our old Site Plan Amendment. Site: A single lot or group of connected lots owned or functionally controlled by the same person or entity, assembled for the purpose of development. Lot: A parcel, tract, or area of land established by a plat or other means as permitted by law, which is to be used, developed, or built upon. Site Modification: Any modification of an existing site that affects less than 50% of the existing site area, up to 25,000 square feet of affected site area.
C.14	7-9	7.1.2.E.2	Defining a lot	This and the definition of parcel should be considered together. Parcel. A contiguous portion of land that is assigned a unique identification number by the Office of the Assessor. (7-19) Lot: A parcel, tract, or area of land established by a plat or other means as permitted by law, which is to be used, developed, or built upon. (7-9)
C.15	7-10	7.1.2.E.3.b	Sublot access	Add clarifying language that easement may be through other zoning lots.
C.16	2-133	2.10.10B.2	Active Depth Applicability	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:"
C.22			(10/30/2025) Food truck courts (areas 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.
C.23				
C.24				
C.25				

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C.26				
C.27				
C.28				
Planning Commission				
Number	Page	Section	Notes: Some PC notes are found within Section B if it is related to a specific amendment	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: "If the nonconforming structure to be expanded is also a contributing structure in an ADC District or HC District, or an Individually Protected Property, then that structure is not required to meet any development standard that would require modification of the structure itself, and the Board of Architectural Review must approve a Certificate of Appropriateness for the proposed expansion." I read that section as saying that if you add onto a contributing structure, the existing structure doesn't need to be modified to meet the zoning code. In a couple of cases, it appears that staff has interpreted that as saying that the existing building can also be modified in ways that are counter to the zoning code. This could be making it less compliant with transparency requirements by removing windows or removing required entry features for instance. Can we clarify exactly what is allowed to happen when a non-conforming contributing structure is modified and/or added onto?	
D.10.			See B.1: Side lot line (min) 4' (R-A, RN-A, R-B, and R-C). This section is preventing single-family attached style housing on abutting Zoning lots.	

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		<p>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 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?</p>	
D.19.		<p>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.</p>	
D.20.		<p>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.</p>	
D.21.		<p>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.</p>	

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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.				
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.				
E.6.				
E.7.				

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</p>	<p>See the CV Charging Plan and look at the City of Fairfax <u>Link to what they are doing</u></p>

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			major zoning categories. For DCFC installations, the City may wish to adopt specific provisions, explicitly detailing when EV charging is considered a primary use. The City may require that EV charging in City historic districts, architectural control districts (Figure 41), and entrance corridors be conditional on a Certificate of Appropriateness to ensure that infrastructure additions, landscaping, and related elements will complement the existing area. Providing specific guidance about what types of charging installations the City permits in these zones and any project criteria will aid installation projects and preserve the character of protected areas.	
F.2				
F.3				
F.4				
Builders and Developers				
Number	Page	Section	Notes	Staff Notes
G.1	2-101	2.10.1.F	Kevin Riddle: On a project at Cabell Avenue, we encountered a question about ground story interpretation. (See the attached PDF for a graphic.) A question arose about which building level should be classified as the ground level. The doors at the top of the metal stairs are too far above grade— over 6 feet— to count as the ground story. So I determined the level below— accessed from the terrace at the 994’ elevation— should be the ground story. Our architecture and civil engineering team debated this. Some people read the Code to say that the lowest allowable floor elevation in RX-5 is 0’ above 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. (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 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. <i>(by email)</i>	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 34-7.1.1.D.
G.2	2-132K	2.10.10.A.5	Kevin Riddle: We’ve studied several projects recently where new development is being considered on a parcel— or parcels-- that make up an entire block. In these cases, a single building may have streets on four sides, and all four sides are longer than the building width maximum. In such a case, should one open space exception (page 2-132) be allowed on each street face of the building rather just one exception for the entire building? With only one exception per building, as the Code currently prescribes, an owner would have to separate one building into multiple buildings. While there may be upsides to multiple buildings, it’s not obvious that a single building with nice fenestration, massing, materials, etc... would be worse than multiple buildings... and wouldn’t multiple open space exceptions safeguard against a perception of a building looking too massive? <i>(by email)</i>	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 we warranted, but this would need to be a Tier 3 discussion.
G.3			Bicycle parking regulations need to be looked at. Currently the code calls form a lot of bicycle parking in areas that are not bike friendly <i>(October 14, PC work session)</i>	
G.4			BAR is an issue and does not work with by-right. Active depth is an issue as although parking is not required, it is needed due to financing. Administrative Modification need to be made larger (more than 10%). If you want more housing it needs to be easy	

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			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. <i>(October 14, PC work session)</i>	
G.5			The code is too complicated. We need to think more about what lots are left in the City for development. Stormwater regulations are an issue and the affordability regulations need to be looked at on a yearly basis so they can be adjusted based on real world changes. <i>(October 14, PC work session)</i>	
G.6			Max coverage regulations and max heights are an issue. Although parking is not required it is an issue for small lots as people (Habitat) will have cars. Think about bringing back allowing front facing garages. <i>(October 14, PC work session)</i>	Staff believes the max height issue will be resolved with the current round of amendments).
G.7			From a Historic Preservation perspective, make existing buildings in the Historic District conforming. This would help with preventing teardowns. <i>(October 14, PC work session)</i>	This could be something to look at. Staff is already proposing that if someone is using the “existing structure preservation” allowance, things like build-to and setbacks are “conforming”. This could be looked at for something broader in the Historic districts.
G.8			Changing the zoning along West Main to CX-3. Remove the pay for affordable housing and provide affordable within student housing buildings. <i>(October 14, PC work session)</i>	
G.9			Up the amount of disturbed area for stormwater from 6,000 to 10,000. Change the major SD. Change the inclusionary requirements. What we have is not working. <i>(October 14, PC work session)</i>	Under the current code we do not have major and minor SDs. We only have SDs and staff is recommending a new application for Sublots.
G.10			Look at adjusting the required AMI for affordable units and base it off the Zoning district and not uniformly across the City. <i>(October 14, PC work session)</i>	
G.11			Reevaluate the “activities” sections (i.e. New Construction, Addition, Site Modification...) to allow small changes to a site without going through full Development Review. <i>(October 14, PC work session)</i>	Staff is already proposing a process that will allow small changes (below the threshold of Minor Site Plans) to be exempt from Development Review through a code amendment to 34-5.2.9
G.12			The Building Code needs to be changed. When you do over 2 units it is now commercial and not residential. The Zoning code is no longer the issue, and it is the Building Code. <i>(October 14, PC work session)</i>	
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. <i>(October 14, PC work session)</i>	
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. <i>(October 14, PC work session)</i>	
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 re-adoption is required consider adopting on a district by district basis rather than all at once <i>Dan Bracey – Two Street Studio October 2025</i>	
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 <i>Dan Bracey – Two Street Studio October 2025</i>	
G.17	2.10.6.5.c.ii		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.	

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		Ped. outdoor amenity space	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	
G.22		2.10.11 Ground Story Height	Required ground story heights in mixed use buildings should be determined based on the predominant use of the building, e.g. a single commercial frontage in a predominantly residential building should not be required to have a taller ground floor height. Change 2.10.11.A.2(b) to define ground story height based on the predominant use of a building. Dan Bracey – Two Street Studio October 2025	
G.23		2.10.11.B Finished floor elevation	0' minimum finished floor elevations are extremely limiting on many sites that have significant grade changes or require vehicular access to garages on the same grade as the residential floors. Provide negative finish floor elevations for all districts Dan Bracey – Two Street Studio October 2025	
G.24		2.10.13 Entry requirements	The issues relating to setbacks, streetscape requirements, build-to, and finished floor elevation make it difficult or impossible to provide access to entries on sites with grade changes along primary facades since there is not enough space to provide the stairs and/or ramps required to access those entries while meeting build-to width requirements. Provide alleviation or alternate for additional entries on sites where this is an issue. Dan Bracey – Two Street Studio October 2025	
G.25		3.5.1.b.1 amenity bldgs as accessory us	Residential development amenity buildings currently meet the definitions for administrative determination of accessory use, but are not defined as such Include residential amenity buildings in the Permitted Use Table Dan Bracey – Two Street Studio October 2025	

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G.26		4.2.2.C.1.b.iii distribution of affordable units	In multi-building residential projects, the requirement to evenly distribute affordable dwelling units throughout a project, i.e. throughout multiple buildings vs centralized in one building, eliminates the ability to utilize funding sources specific to low income/affordable housing Allow projects that fit this case to concentrate units in one building, perhaps with stricter equivalency requirements or with administrative approval. Dan Bracey – Two Street Studio October 2025	
G.27		4.4.5-A (1) / 4.4.5-A (3) Setbacks, streetscape, & build-to	Interactions with primary and side street setbacks and streetscape requirements create situations where build-to requirements cannot be met. Required streetscape zones occur within the property lines making it impossible or difficult to meet 15' (RX) and 10' (CX/NX) maximum primary street setbacks. Clarify or designate that the inner line of the required permanent public access easement for streetscape zones will be treated as the street lot line for zoning calculations. Dan Bracey – Two Street Studio October 2025	
G.28		4.5.5.B.2 parking structure requirements	This states that a parking structure must meet the standards of this Section, however the section includes requirements for continuous curbs, interior islands every 10 spaces, perimeter landscaping, and landscaping on islands and medians which are not generally feasible in parking structures. This is presumably an error that requires a formatting change to this section as parking structures should not and can not be built with these features. Dan Bracey – Two Street Studio October 2025	
G.29		4.8.2.C.1.c 0' max wall heights	Retaining walls in yards may not exceed the maximum fence/wall height for the district. Many districts have a 0' maximum wall height which would make it difficult or impossible to develop sites that are above the grade of the sidewalk. Provide exception for this case, restrict retaining walls separately from fences and walls, or do not have 0' maximum wall heights. Dan Bracey – Two Street Studio October 2025	
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	
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