

## 5.2.9. Development Review

### A. Applicability

1. Development Review applies to any of the following project activities:
  - a. New construction;
  - b. Addition;
  - c. Site modification; and
  - d. Some changes of use.
2. Development Review is not required for a change of use provided that:
  - a. No additional site access, or alteration of existing site access is recommended by the City, based on intensification of use; and
  - b. No additional site access, or alteration of existing site access is proposed.
3. Projects not requiring Development Review may require a Building Permit.

### B. Application Requirements

#### 1. Pre-Application Conference

Before submitting a Development Review application, an applicant must schedule a pre-application conference with the Administrator to discuss the procedures, standards, and regulations required for approval. This requirement may be waived at the discretion of the Administrator.

#### 2. Application Submittal

- a. The required documents and drawings for Development Review are contained in the Development Review Administration Manual.
- b. Following the pre-application conference, an applicant may start the application process. To begin, a complete application form, required plans, and review fees must be filed with the Administrator. Other general submittal requirements for all applications are listed in [5.2.1. Common Review Procedures](#).

#### 1 Submittal

PRE-APPLICATION CONFERENCE

SUBMIT APPLICATION

DEVELOPMENT PLAN

#### 2 Decision

ADMINISTRATOR

ENGINEERING REVIEW

APPROVE OR DENY

FINAL SITE PLAN

#### 3 Submittal

SUBMIT APPLICATION

#### 4 Decision

ADMINISTRATOR

BUILDING REVIEW

APPROVE OR DENY

### C. General Development Review Process

1. Development Review consists of two separate approvals, a Development Plan and Final Site Plan. A Development Plan and Final Site Plan are required for all projects that require Development Review.
2. Development Plans and Final Site Plans may be reviewed simultaneously or may be phased. An applicant may choose to apply for Development Plan approval and engineering approval, and then apply for Final Site Plan approval and building approval in order to start building construction. Development Plan and Final Site Plan reviews include the requirements of this Development Code, and engineering and building reviews include requirements of separate Chapters of the City of Charlottesville Code and the Standards and Design Manual.
3. Anything regulated by this Development Code will be reviewed for compliance by the Administrator, with additional review by other City Departments.

### D. Development Plan Review

#### 1. Review and Decision Process

##### a. Administrator Decision

- i. Once the Administrator determines the application is complete, the Administrator will notify the Planning Commission of the application and review the application against the requirements of this Development Code and other applicable technical requirements of the City.
- ii. In reviewing the application, the Administrator will distribute the application for consultation and review by other City Departments.
- iii. When the property is within an ADC District, HC District, or an Individually Protected Property, a Certificate of Appropriateness may also be required. See [5.2.7. Major Historic Review](#) and [5.2.7. Major Historic Review](#).
- iv. If, after the internal review, the Administrator finds that the application does not meet all requirements of this Development Code, the Administrator will notify the applicant of the specific provisions that have not been met and offer the applicant the opportunity to amend the Development Plan.
- v. Following review, the Administrator will approve, approve with conditions that bring the application into conformance with this Development Code and other technical requirements of the City, or deny the application.

##### b. Planning Commission Decision

- i. The Planning Commission will take action on a Development Plan when:
  - a) The Administrator refers the application to the Planning Commission for review;
  - b) Two or more members of the Planning Commission request to review the application;  
or

- c) The application is the subject of an appeal from a decision by the Administrator, as allowed by this Section.
- ii. When the Planning Commission takes action on a Development Plan, the Administrator will review the application and provide a staff report and recommendation to the Planning Commission in advance of the meeting. Prior to the preparation of the staff report, other City staff may make recommendations to the Administrator to include in the staff report.

## 2. Action After Decision

### a. Appeal of Administrative Decision

- i. The applicant may appeal the failure of the Administrator or Planning Commission to either approve or deny the application to the Circuit Court in accordance with the *Code of Virginia* § 15.2-2259.
- ii. The applicant may appeal the denial of the application by the Administrator or Planning Commission to the Board of Zoning Appeals within 30 days after the denial in accordance with the *Code of Virginia* § 15.2-2309.

### b. Expiration of a Development Plan

Once a Development Plan is approved, it is valid for a period of 5 years, as specified in the *Code of Virginia* § 15.2-2260.

## E. Engineering Review

### 1. Review and Decision Process

- a. Upon approval of a Development Plan, applications for review and approval of infrastructure permits required by separate Chapters of the City of Charlottesville Code and the Standards and Design Manual may be prepared and submitted.
- b. The Administrator will not sign any Final Site Plan, unless and until final plans and approvals required by the City Code of Ordinances Chapter 10, Water Protection have been obtained.

## F. Final Site Plan Review

### 1. Review and Decision Process

#### a. Administrator Decision

- i. The Administrator will review the Final Site Plan for compliance with the requirements of this Development Code in effect at the time of Development Plan approval, except as authorized by *Code of Virginia* § 15.2-2261. The Administrator must make a good faith effort to identify all deficiencies, if any, during the review of the initial Final Site Plan submittal. The Administrator must consider the recommendations and determinations made by the plan reviewers.
- ii. If the Administrator determines that the Final Site Plan complies with the requirements of this Development Code and that all conditions of approval of the Development Plan have been satisfied, the Administrator will sign the Final Site Plan.

- iii. If the Administrator determines that the Final Site Plan does not comply with all requirements of this Development Code or that all conditions of approval of the Development Plan have not been satisfied, the Final Site Plan will be denied and the Administrator will promptly inform the project developer of the denial by issuing a notice of denial to the project developer.

## 2. Action After Decision

### a. Permits for Construction

Upon approval of a Final Site Plan, any applicable permits for construction required by the City Code of Ordinances Chapter 5, Building Regulations; Property Maintenance may be prepared and submitted.

### b. Appeal of Administrative Decision

- i. The applicant may appeal the failure of the Administrator to either approve or deny the application to the Circuit Court in accordance with the *Code of Virginia* § 15.2-2259.
- ii. The applicant may appeal the denial of the application by the Administrator to the Board of Zoning Appeals within 30 days after the denial in accordance with the *Code of Virginia* § 15.2-2309.

### c. Revisions to an Approved Development Plan or Final Site Plan

- i. Minor revisions to an approved Development Plan or Final Site Plan may be approved by the Administrator. The following revisions are considered minor:
  - a) Up to 10% increase in the gross floor area of a single building;
  - b) Any decrease in gross floor area of a single building;
  - c) Up to 10% reduction in the approved setbacks from street or common lot lines; and
  - d) Relocation of parking areas, internal driveways or structures where relocation occurs more than 100 feet from street or common lot lines.
- ii. All other changes to an approved Development Plan or Final Site Plan must be resubmitted as a new application.

## 3. Expiration of Final Site Plan

- a. An approved Final Site Plan will be valid for 5 years from the date of approval, or for a longer period determined by the Administrator at the time of approval, taking into consideration the size and phasing of the proposed project. A Final Site Plan will be deemed final once it has been reviewed and approved, where the only requirement remaining to be satisfied in order to obtain a building permit is the posting of required bonds and escrows.
- b. Upon application filed prior to expiration of a Final Site Plan, the Administrator, may grant an extension of such approval, taking into consideration the size and phasing of the proposed site and the laws, ordinances, and regulations in effect at the time of the request for an extension.