

Proposed Amendment to Item #20-0058

This amendment would delete and replace lines 67-82 of the redline ordinance contained in the City Council package with the following modified language. All other language in the redline ordinance contained in the City Council package would remain in effect.

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(42) ~~Reserved~~. Multifamily dwelling in MD-2, MD-3, MD-4, R-M, C-2, RT-1, DT-1, DT-2, and DT-3 districts shall comply with the following:

(a) In the MD-2, MD-3, MD-4, R-M, C-2, RT-1 districts, the use permit requirement shall not apply to buildings and structures used as multifamily dwellings if:

- i. Such projects were legally established on February 10, 2021 after approval of a significant affirmative governmental act, as defined by section 15.2-2307 of the Code of Virginia, as amended ("SAGA");*
- ii. Projects for which a SAGA has been obtained and remains in effect as of February 10, 2021, which allows development of the specific project, including but not limited to a site plan, rezoning, use permit, or variance application; or*
- iii. Projects for which an application for a SAGA has been submitted to the City by February 10, 2021, which, if approved, would allow development of the specific project, including but not limited to, a site plan, rezoning, use permit, or variance application. If any such SAGA application is not approved by July 1, 2021, then such grandfathering shall terminate and the project shall be subject to all of the requirements of this chapter.*

If any of the prior conditions apply, as determined by the zoning administrator, then such projects shall be grandfathered and considered permitted uses—as opposed to legal nonconforming uses—as long as the multifamily use continues and the buildings or structures remain in their then structural condition. The requirements of this chapter shall apply, however, to any alterations of such buildings or structures in a manner that results in expansion of the buildings or structures or an increase in the number of units beyond the approved SAGA, and upon the cessation of the multifamily use, once established, for a period longer than two (2) years.

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