

ORDINANCE NO. 23-18()

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE II, BASIC REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article II, Basic Regulations is hereby amended and reordained as follows:

By Adding:

Sec. 4.21

Chapter 18. Zoning

Article II. Basic Regulations

Section 4.21 - AFFORDABLE DWELLING UNIT PROGRAM

Section 4.21.1 Purpose. The Affordable Dwelling Unit Program is established to assist in the provision of housing to persons of moderate income by (a) promoting the development of a full range of housing choices, and (b) requiring the construction and continued existence of dwelling units that are affordable for purchase by households whose income is less than or equal to eighty percent (80%) and affordable for rental by households whose income is less than or equal to sixty percent (60%) of the median income for the Charlottesville Metropolitan Statistical Area (MSA).

Section 4.21.2 Applicability.

(A) This Section X applies to any site, or portion thereof that is the subject of an approved owner initiated application for zoning map amendment, or special use permit.

(B) **Exemptions.** This Section X does not apply to the following:

- (1) Rezoning and special use permit development applications approved by xx/xx/xxxx (date ordinance is adopted)
- (2) Developments that include a total of 10 or fewer residential units.
- (3) Developments that are not served by a central water and central sewer system.

Section 4.21.3 Designation of Affordable Dwelling Units on Subdivision/Site Plans

(A) Each initial and final site plan and/or preliminary or final subdivision plat subject to Section X.2 must provide a minimum of 20% of the total number of units proposed as affordable dwelling units. If phased site plans and/or subdivision plats are submitted a

maximum of 105% of the required number of affordable units may be provided in any phase. The surplus affordable units may be counted in subsequent phases.

- (B) Each initial and final site plan and/or preliminary or final subdivision plat subject to Section X.2 must identify the specific number of units that are to be regulated as affordable units.

 - (1) All plans or plats must identify specific units that are for sale or for rent as affordable units.
 - (2) All developments containing affordable dwelling rental units must include information concerning the number of each type of unit, by bedroom count, that will be maintained as affordable.
- (C) The character, building type, architectural style, square footage, and number of bedrooms, of affordable units must equal or exceed the character, building type, architectural style, square footage, and number of bedrooms of market rate units. The mix of affordable unit styles, square footage, and number of bedrooms must equal or exceed the mix of market rate units.
- (D) Affordable units must be equally distributed within the proposed development and within buildings.
- (E) If affordable units have been constructed meeting the requirements of either this section or a federal, state, or local program with equivalent requirements, those units may be counted towards the number of required affordable units for projects subject to Section X.2.

Section 4.21.4 Timing of Construction/Availability of Affordable Dwelling Units. The following regulations apply to the entire development that is the subject of an approved owner initiated zoning map amendment or special use permit. In a development that contains Affordable Dwelling Units, occupancy permits for no more than fifty percent (50%) of the market rate dwelling units may be issued prior to the issuance of occupancy permits for fifty percent (50%) of the affordable dwelling units. Occupancy permits for no more than seventy-five percent (75%) of the market rate dwelling units may be issued until occupancy permits have been issued for seventy-five percent (75%) of the affordable dwelling units for the development. Occupancy permits for no more than ninety percent (90%) of the market rate dwelling units may be issued until occupancy permits have been issued for one hundred percent (100%) of the affordable dwelling units for the development. The following information must be submitted with each occupancy permit application for a market rate dwelling unit within the development: the total number of dwelling units, market rate dwelling units, and affordable dwelling units proposed for the development; the number of occupancy permits issued for market rate dwelling units within the development; the number of occupancy permits issued for affordable dwelling units within the development; and the lot number or unit number of each affordable dwelling unit for which an occupancy permit has been issued.

Section 4.21.5 Modifications to the Affordable Dwelling Unit Program:

- (A) In exceptional cases, in lieu of the required number of affordable dwelling units, the Board of Supervisors, upon recommendation of the Planning Commission, may permit an applicant to:
- (1) Contribute to the Albemarle County Housing Fund Reserve an amount equivalent to 50% of the federal HOME program sales price limit for 1-unit new construction at the time of application for each affordable dwelling unit that would otherwise have been constructed; or
 - (2) Provide a combination of affordable dwelling units, or contribution to the Albemarle County Housing Fund Reserve.
- (B) Requests for modifications to the requirements of the Affordable Dwelling Unit Program must submitted in writing concurrently with applications for a rezoning, or special use permit.

RELATED ORDINANCES

Chapter 14 – Subdivision Ordinance
Section 14-203 – Fees

Each subdivider must pay a fee upon the submittal of a plat or other application, based on the schedule below. Neither the county nor the county school board is required to pay any fee if it is the applicant. No fee is required for any application containing affordable housing that meets the requirements of Section 18-7. Except as provided in subsection (H)(7), the fee must be in the form of cash or a check payable to the "County of Albemarle."

Chapter 18 – Zoning Ordinance
Section 35.1 – Fees

Each applicant must pay the following applicable fees. Neither the county nor the county school board is required to pay any fee if it is the applicant. No fee is required for any application containing affordable housing that meets the requirements of Section 18-X. :

Chapter 18 – Zoning Ordinance

Section 30.6.5 - Development exempt from requirement to obtain certificate of appropriateness.

The following development is exempt from the requirements of [section 30.6](#):

- a. Primary and accessory residential units if no site plan is required by this chapter.

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