

Initial: October 18, 2018  
 Revised: March 12, 2019  
 Revised: April 29, 2019  
 Revised: June 3, 2019  
 Revised: June 24, 2019

## ZMA2018-13 Rio Road West

### Code of Development

The following is a Code of Development drafted in accordance with Sec.20A.5 of Chapter 18 of the Code of Albemarle; this Code of Development is specific to tax map parcels 45-101, 45-101B, 45-100A, and 45-100 in Albemarle County. This Code of Development establishes the unifying design guidelines, specific regulations, and block characteristics of this Neighborhood Model District. The COD also provides certainty about the permitted uses, locations and appearance of central features.

#### I. Table of Uses by Block (Section 20A.5a)

The table below establishes the permitted residential and non-residential uses, special uses and prohibited uses by block.

“P” = “Permitted”

“SP” = “Special Use Permit”

“N” = “Not Permitted”

Table A. Uses: By Right, by Special Permit and Not Permitted

Restrictions & Requirements Associated with standards in the table:

Mixed uses (residential and commercial) are allowed in Blocks 1 and 2.

Table A. Uses: By Right, by Special Permit, and Not Permitted			
BLOCK	BLOCK 1	BLOCK 2	BLOCK 3
	Active Urban	Neighborhood Services & Local Manufacturing	Neighborhood Greenspace
<b>Residential</b>			
Single Family Attached/Townhouses	SP	SP	N
Multifamily	P	P	N
<b>Non- Residential</b>			
Retail (Neighborhood, Community, Regional)	P	P	N

General Commercial Service	P	P	N
Office / R&D / Flex	P	P	N
Light Industrial / Self-Storage / Distribution	SP	P	N
Auto Commercial Sales & Service	SP	P	N
Institutional	P	P	N
Parking Facilities/Structured Parking	P	P	N
Water, sewer, energy and communications distribution facilities	P	P	P
Accessory uses and buildings including storage buildings	P	P	P
Temporary construction headquarters and temporary construction storage yards (reference 5.1.18)	P	P	P
Public uses (reference 5.1.12)	P	P	P
Group Homes	P	P	N
Tier I and Tier II personal wireless service facilities (reference 5.1.40)	P	P	P
Outdoor storage, display and/or sales serving or associated with a permitted use, other than a residential use	N	SP	N
Greenspace and Amenities	P	P	P

Notes to Table A:

- 1.) Reference to uses not otherwise defined or listed in this Code of Development shall be defined as listed first, in the Albemarle County Zoning Ordinance or second, in the adopted Comprehensive Plan. If no definition of the use is provided in any of the three noted documents (Code of Development, Zoning Ordinance, Comprehensive Plan) then such use must be officially determined by the zoning administrator to be permitted in a particular Block pursuant to subsection 8.5.5.2(c)(1).
- 2.) Accessory uses in Block 3 shall be accessory to the recreational use of the block

## II. Use Requirements and Restrictions (Section 20A.5.e)

Uses and buildings permitted within the neighborhood greenspace shall be accessory to recreational use.

Hotels, motels, and inns shall be considered general commercial service use.

### III. Prohibited Uses (Section 20A.5.f)

The following are prohibited uses within the NMD:

- All uses expressly provided for in Sec. 26.2(d) of the Albemarle County Code.
- Single Family Detached Residential

### IV. Development Square Footage Proposed and Residential Density (Section 20A.5b & c)

<b>Table B. Density, Housing Type and Non-Residential Use by Block</b>							
Block	Approximate Block Size	MIN Dwelling Units	MAX Dwelling Units	MAX Block Gross Density	Permitted Housing Types	MIN Non-Residential SF	MAX Non-Residential SF
<b>Block 1</b> Active Urban	64,033 SF 1.47 Ac	30	112	80 DUA	Multifamily, Group Homes	0	290,900
<b>Block 2</b> Neighborhood Services & Local Manufacturing	56,628 SF 1.3 Ac	0	62	47.7 DUA	Multifamily, Group Homes	0	310,000
<b>Block 3</b> Neighborhood Greenspace	23,958 SF .55 ac	0	0	0	Not Permitted	0	600
<b>TOTAL</b>	<b>3.32 Ac</b>	<b>30</b>	<b>112</b>	<b>33.7 DUA</b>		<b>0</b>	<b>601,500</b>

Notes to Table B:

- 1.) Non-residential square footage allowed in neighborhood greenspace to accommodate structures such as picnic pavilions and buildings accessory to the recreational use of the block.
- 2.) 15% of the residential units built within the NMD will be designated as affordable for a period of 10 years from the date of issuance of certificate of occupancy. The units will rent at a rate making them affordable to those making no more than 80% of Albemarle County's median family income. The monthly rental rate shall not exceed 30% of the monthly gross income of a family making 80% of Albemarle County's median family income. The property owner shall maintain records documenting the household income of the occupants of the affordable units; and upon request by the County, the property owner shall provide the County with these records.

If the residential units with the NMD are built incrementally, one affordable unit shall be provided for every seven market rate units built.

## V. Green Space & Amenities (Section 20A.5d)

The table below establishes green space and amenities provided by block. The Greenspace provided in Block 3 is within the Amenity Area. The Amenity Area in Block 3 is to be outdoor, ground story open space.

Table C. Minimum Green Space and Amenities by Block

Table C. Minimum Green Space and Amenities by Block			
BLOCK	Amenity Area MIN	Green Space Area MIN	Green Space Elements
Block 1  Active Urban	0	0	Landscaping and Screening in accordance with Sec. 32.7.9 of the Albemarle County Code
Block 2  Local Manufacturing & Neighborhood Services	0	0	Landscaping and Screening in accordance with Sec. 32.7.9 of the Albemarle County Code
Block 3  Neighborhood Greenspace	.55 Acre	.5 Acre	Designed Landscape including Canopy Cover and Understory, Landscaping and Screening in accordance with Sec. 32.7.9 of the Albemarle County Code
% of total area	16.5%	15%	

## **VI. Parking Standards**

Parking provided on site shall comply with regulations outlined in Sec. 4.12.6 of the Albemarle County Zoning Ordinance unless a future parking and loading needs study is approved to allow for a lesser parking standard on the property.

Bicycle parking may be one method utilized to alleviate the need for automobile parking.

Parking shall be constructed on site concurrent with the affiliated use.

## **VII. Architectural Standards (Section 20A.5g)**

The form of the building and proportions of structures shall be informed by the lot and building regulations provided for within this code of development.

Architectural design and detail of structures in Block 1 and Block 2 shall be subject to Architectural Review Board (ARB) review and Sec. 30.6 "Entrance Corridor Overlay District" of the Albemarle County Code. ARB review shall occur during site plan review.

Historic Resources

There are no designated historic sites or structures on the property.

## **VIII. Landscape Treatment (Section 20A.5h)**

Landscaping and screening shall be provided in accordance with Sec. 32.7.9 of the Albemarle County Code.

### **Additional Landscape Requirements:**

Block 2/Southern Portion of Block 3: The area located at the rear of Block 2 adjacent to Block 3 and the southern portion of Block 3 shall feature medium or large trees appropriate for the planting conditions at a minimum spacing of 30'. One and a half (1.5) understory canopy trees shall be provided for every medium or large tree located in this area.

Landscape improvements in Block 1 and the Right of Way Dedication area shall be provided in accordance with the proffer statement provided with this ZMA. Block 1 shall be a maintained landscape until the block is improved with structures.

## IX. Lot & Building Height Regulation (Section 20A.5i)

Table D. Lot & Building Regulation

Table D. Lot and Building Regulations			
	BLOCK 1	BLOCK 2	BLOCK 3
	Active Urban	Neighborhood Services & Local Manufacturing	Neighborhood Greenspace
<b>Building Height</b>			
<b>Stories</b>			
<b>Primary</b>	3 Min.– 6 Max.	2 Min.– 6 Max.	1 Max
<b>Ground Floor to Floor</b>	14' Min.	9' Min	N/A
<b>Setbacks</b>			
<b>Front</b>	2' min. – 12' max.	N/A	5' min.
<b>Side</b>	0'	0' Min.	5' min.
<b>Rear</b>	0'	0'	15' min.
<b>Stepbacks</b>	Minimum 15' after the 4th Floor Ceiling Height or 50' Vertical Height	Minimum 15' after the 4th Floor Ceiling Height or 50' Vertical Height (see note 3)	N/A
<b>Frontage Build-out</b>	70% min.	N/A	N/A
<b>Other</b>			
<b>Allowable Building SF</b>	290,900	310,000	600
<b>Min Lot Size SF</b>	2,000	2,000	N/A
<b>Ground Floor Transparency MIN</b>	Front Façade: residential: 30%; commercial 60%  Rear Façade: Residential: 10% Commercial: 15%  All Other Facades: Residential: none required Commercial: none required	Front Façade: residential: 30%; commercial 30%  Rear Façade: residential: 10% commercial: 15%  All Other Facades: Residential: none required Commercial: none required	N/A
<b>MIN Distance Between Front Façade Ground Floor Pedestrian Entrances</b>	residential 100'; commercial 50'	residential 100'; commercial 50'	
<b>Lot Coverage</b>	90% Max.	90% Max	10% Max

Notes to Table D:

- 1.) Porches, eaves and awnings are considered to be part of the structure and shall not encroach into the minimum setback.
- 2.) Non-residential square footage allowed in neighborhood greenspace to accommodate structures such as picnic pavilions and structures accessory to the recreational use of the block.
- 3.) The rear façade of any building in Block 2 shall not extend more than 50' vertical height without a 15' setback, where the rear façade height is the average height of three equidistant points measured from grade along the rear façade. This setback is a rear a façade setback.
- 4.) Front setback for Block 1 shall be measured from the edge of the future ROW dedication line for Rio Road W as shown on Sheet 7 of the Application Plan.
- 5.) Frontage build-out is measured as the portion of the minimum front setback line that must be occupied by a structure.
- 6.) Lot Coverage is the amount of impervious surfaces permitted in each block.
- 7.) Buildings within the NMD shall be constructed in accordance with all applicable USBC standards, including building separation.