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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
Residential			
Single Family Attached/Townhouses	SP	SP	N
Multifamily	P	P	N
Non- Residential			
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)

Table B. Density, Housing Type and Non-Residential Use by Block							
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
Block 1 Active Urban	64,033 SF 1.47 Ac	30	112	76 DUA	Multifamily, Group Homes	0	290,900
Block 2 Neighborhood Services & Local Manufacturing	56,628 SF 1.3 Ac	0	62	47.7 DUA	Multifamily, Group Homes	0	290,900
Block 3 Neighborhood Greenspace	23,958 SF .55 ac	0	0	0	Not Permitted	0	600
TOTAL	3.32 Ac	30	112	33.7 DUA		0	582,400

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 within the NMD are built incrementally, one (1) affordable unit shall be provided for every seven (7) 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 visible from an Entrance Corridor 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.

Additional Architectural Standards:

The rear façade of any building containing a primary use in Block 2 shall be subject to the following architectural standards:

Material Treatments MIN	EIFS Treatment Coverage MAX	Transparency MIN
3	49%	9%

- 1.) Windows and doors shall not contribute to the minimum number of material treatments
- 2.) Façade relief shall be consistent with Image 1 provided in this Code of Development
- 3.) Whichever material treatment is used on the rear façade nearest to the corners (shared by the rear and side façades) shall extend horizontally for a minimum of 5’ along the side facades

Image 1.



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
Building Height			
Stories			
Primary	3 Min.– 6 Max.	2 Min.– 6 Max.	1 Max
Ground Floor to Floor	14' Min.	9' Min	N/A
Setbacks			
Front	2' min. – 12' max.	N/A	5' min.
Side	0'	0'	5' min.
Rear	0'	0'	15' min.
Stepbacks	Minimum 15' after the 4th Floor Ceiling Height or 50' Vertical Height whichever is lesser	Minimum 15' after the 4th Floor Ceiling Height or 50' Vertical Height whichever is lesser (see note 3 for rear stepback)	N/A
Frontage Build-out	70% min.	N/A	N/A
Other			
Allowable Building SF	290,900	290,900	600
Min Lot Size SF	2,000	2,000	N/A
Ground Floor Transparency MIN	Front Façade: residential: 30%; commercial 60% Rear Façade: Residential: 10% Commercial: 15% All Other Facades: Residential: none required Commercial: none required	(see Section VII)	N/A
MIN Distance Between Front Façade Ground Floor Pedestrian Entrances	residential 100'; commercial 50'	residential 100'; commercial 50'	
Lot Coverage	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.

X. Phasing

The purpose of the following conditions is to ensure mixed-use development of the property satisfies Neighborhood Model District principles and objectives outlined in the Rio Road W Small Area Plan and Albemarle County Comprehensive Plan.

Block 1 Landscape Improvements

The property owner shall install landscape improvements in Block 1 adjacent to the Rio Road W Right-of-Way in accordance with all applicable provisions of Sec. 32.7.9 of the Code of Albemarle and Entrance Corridor Design Guidelines within one year of the issuance of certificate of occupancy for any building in Block 2 and the owner shall construct an 8' sidewalk consistent with the Technical Conceptual Section shown on Sheet 7 of the Application Plan, prepared by Shimp Engineering dated October 18, 2018 and last revised June 24, 2019, provided that commencement of construction of any building in Block 1 has not occurred, where construction shall be considered installation of utilities, building footers, or other site improvements necessary for building completion. If commencement of construction of any building in Block 1 has occurred within one year of issuance of certificate of occupancy of any building in Block 2, the property owner shall provide landscape improvements in accordance with all applicable provisions of Sec. 32.7.9 of the Code of Albemarle and Entrance Corridor Design Guidelines within one year of the issuance of certificate of occupancy of any building in Block 1.

Block 1 Building Construction

A building permit for any primary building in Block 1 shall be obtained within two years of issuance of certificate of occupancy of any primary building in Block 2. If, for any reason, a building permit for any primary building in Block 1 is not obtained and actively pursued within two years of issuance of certificate of occupancy of any primary building in Block 2, then the property owner of Block 1 shall make a cash contribution to Albemarle County. Cash contribution payment shall commence two years after issuance of certificate of occupancy for any primary building in Block 2 and shall be made prior to December 31 of each calendar year for every calendar year fully lapsed without an initial zoning inspection affiliated with the building permit obtained. The annual cash contribution amount shall be \$10,000.00.