

Code of Development

The following is a Code of Development (“COD”) drafted in accordance with Section 20A.5 of Chapter 18 of the Code of Albemarle, Virginia and specific to tax map parcel 06100-00-00-154B0. This Code of Development establishes the unifying design guidelines, specific regulations and block characteristics. 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 and prohibited uses by block.

“BR” = By-Right, “SP” = Special Permit, “N” = Not Permitted

Table A. Uses: By Right, by Special Permit, and Not Permitted		
BLOCK	BLOCK 1	BLOCK 2
	Mixed-use	Residential
Residential		
Single Family Detached	N	BR
Single Family Attached	N	BR
Multifamily	BR	N
Accessory Uses	BR	BR
Non- Residential		
Retail (Neighborhood, Community & Regional)	BR	N
General Commercial Service	BR	N
Auto Commercial Sales & Service	N	N
Office/R&D/Flex	BR	N
Light Manufacturing / Storage / Distribution	N	N
Heavy Manufacturing / Storage / Distribution	N	N
Warehousing / Distribution	N	N
Institutional	BR	N
Stand-alone parking and parking structures	N	BR
Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 16 of the Code of Albemarle and all other applicable law.	BR	BR
Temporary construction uses	BR	BR
Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 31.2.5); public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority.	BR	BR

Stormwater management facilities shown on an approved final site plan or subdivision plat.	BR	BR
Tier I and Tier II personal wireless service facilities.	BR	BR
Accessory Uses and Buildings including home occupation, Class A and storage buildings.	BR	BR

Notes to Table A:

1. Notwithstanding the above, the following “Community & Regional Retail” or “General Commercial Service” uses shall be explicitly prohibited: entertainment or recreation establishments (or similar uses), gas stations, funeral homes and crematories, storage yards, auction houses, convenience stores, and hotels/motels.
2. 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 “Future Land Use Plan and Transportation Network” Section of the Places29 Master Plan adopted February 2, 2011, revised June 10, 2015. If no definition of the use is provided (Code of Development, Zoning Ordinance, Comprehensive Plan) or if there is uncertainty as to whether such use is included in the uses listed in Table A, then such use must be officially determined by the zoning administrator to be permitted in a particular Block.
3. Stand-alone parking and parking structures shall be subject to screening regulations and other restrictions outlined in Section 4.12.

II. Development Square Footage Proposed and Residential Density (Section 20A.5b and 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							
Mixed-use	37,900 SF (0.87 acre)	8	32	35 DUA	Multifamily	500	5,000 (+5,000 if additional SF designated specifically for office)
Block 2							
Residential	45,300 SF (1.04 acre)	8	14	14 DUA	Single Family Detached, Single Family Attached	0	0
TOTAL	83,200 SF (1.91 acre)	16	46	24 DUA	MF, SFD, SFA	500	5,000 (10,000 if at least 5,000 of total designated specifically for office)

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

Table C. Minimum Green Space, Civic Areas, and Amenities by Block							
BLOCK	Amenity Area MIN SF	Amenity Area %	Amenities	Green Space MIN SF	Green Space %	Green Space Elements	Amenity & Green Space %
Block 1		20%			20%		
Mixed-use	7,600	(7,600 of 37,900 total SF of Block 1)	Outdoor Plaza with Landscaping and Seating; Small Dog Park	7,600	(7,600 of 37,900 total SF of Block 1)	Outdoor Plaza with Landscaping and Seating; Multi-Use Path; Small Dog Park; Streetscape and Other Designed Landscaping	20%
Block 2		20%			20%		
Residential	9,100	(9,100 of 45,300 total SF of Block 2)	Sidewalk, Central Greenspace, Natural Playscape, and Other Designed Landscaping	9,100	(9,100 of 45,300 total SF of Block 2)	Sidewalk, Central Greenspace, Natural Playscape, Multi-Use Path, and Other Designed Landscaping	20%
TOTAL	16,700	(16,700 of 83,200 total SF)		16,700	(16,700 of 83,200 total SF)		20%

Notes to Table C:

1. Section 4.16 of the Zoning Ordinance shall apply to all recreational facilities and shall be assessed at the site plan stage of development.

IV. Architectural Standards and Landscape Treatment (Sections 20A.5g and h)

In addition to any architectural, landscape and site requirements illustrated or otherwise included in other sections of this application, the Entrance Corridor Design guidelines of Section 30.6 shall also apply, which may require features and/or treatments over and above those listed in this Code of Development.

V. Lot & Building Height Regulation (Section 20A.i)

Table D. Lot and Building Regulations		
	BLOCK 1	BLOCK 2
	Mixed-use	Residential
Building Height		
Stories	1 Min. - 3 Max.	1 Min. - 3 Max.
Height	40'	35'
Setbacks		
Front	0' Min. -10' Max.	5' Min. - 15' Max.
Side	0' Min.-10' Max.	3' Min. - 15' Max.
Rear	0'	10' Min. (No Max.)
Stepbacks	None.	None.
Other		
Allowable Gross Building SF	30,000	n/a
Maximum Building Footprint SF	5,000	n/a
Lot Size (Min. or Max.)	None.	None.
Residential Units Allowable	8 Min. - 32 Max.	8 Min. - 14 Max.
Residential Unit Type	Multifamily	Single Family Detached, Single Family Attached
Parking		
MIN Required (35% reduction)	8 - 81, depending on mixture of uses	10 - 18, depending on unit count etc.
Total Required	18 - 99, depending on mixture of uses	

Notes to Table D:

1. Porches, eaves and awnings shall be considered part of the structure and shall not extend closer to the street than the required setbacks.
2. The precise number of minimum required parking spaces shall be determined at the site plan phase of development depending on density, types of residential units, and commercial uses pursuant to Section 4.12.6. Minimum parking requirements may restrict some uses that historically require large amounts of parking. Multiple parking alternatives per Section 4.12 of the Zoning Ordinance may be utilized during the site plan phase of development as determined by the Zoning Administrator.
3. Minimum building separation shall be required per Section 4.11 of the Zoning Ordinance.

4. The applicable setbacks for Block 2 shall be measured from the edge of Amenity Area D.
5. Pursuant to Section 32.7.9.7, the parking areas along the northern and southeastern boundaries of the subject property are required to be screened. In addition to Section 32.7.9.7(b), the Applicant shall provide three different reasonable types of screening options to each of the following groups, for each of the following locations, as follows:
 - a. For the screening in Block 1 at the southeastern boundary of the Property, to (1) the Shephard's Ridge Homeowners' Association which consists of residents immediately adjacent to the Property,
 - b. For the screening in Block 2 at the southeastern boundary of the Property, to (2) Warren M. and Virginia M. Stallings, the owners of Tax Map Parcel 062F0-00-00-31300 (2033 Shephard's Ridge), and/or their successors or assigns, and
 - c. For the screening along the northern boundary of the Property, to (3) the owners of the three parcels across Shephard's Ridge Road from the Property: (A) Kent J. Rychcik Living Trust and Susan W. Rychcik Living Trust, the owners of Tax Map Parcel 062F0-00-00-28100 (2050 Shepherd's Ridge), and/or their successors or assigns, James G. and Betty D. Cannon, the owners of Tax Map Parcel 062F0-00-00-28000 (2044 Shepherd's Ridge), and/or their successors or assigns and (C) Alexis Ann Halley Revocable Trust, the owner of Tax Map Parcel 062F0-00-00-27900 (2038 Shephard's Ridge Road), and/or its successors or assigns.

By a majority vote at a duly authorized meeting of the members of the homeowners' association, and the individuals/entities listed in (2) and (3) above, the applicable parties shall choose one of the three screening options provided for each of the three locations listed above.

At minimum, at least one of the options provided shall include a fence up to seven feet in height (or taller, if the parties agree). Such meetings shall be called within thirty (30) days of receipt of written notice from the Applicant and/or its assigns. In addition, such approval shall not be unreasonably withheld, delayed or conditioned. If the Applicant does not receive a response within thirty (30) days of receipt of the Applicant's written notice, such lack of response shall be considered an approval of any or all of the options provided.

6. Dumpsters and Dumpster Pads on the Property shall be screened pursuant to Section 4.12.19.
7. The Applicant shall be required to provide onsite treatment of 25% of the required stormwater treatment. Such techniques of treatment shall include pervious pavers, micro bioretention, or other approved measures.

8. Notwithstanding anything herein to the contrary, the maximum front and/or side setbacks in Block 1 shall be allowed to increase from 10 feet to a maximum of 10 feet from applicable existing easements, if such increase in maximum allowable setback is needed to avoid non-buildable existing easement areas or an irregular shaped building that would result otherwise.

VI. Supplementary Regulations – Residential Uses and Affordable Housing

Supplementary Regulations – Notes Regarding Residential Uses and Affordable Housing

1. 15% of the total residential dwelling units within the project shall be Affordable Dwelling Units (the "15% Affordable Housing Requirement"). The 15% Affordable Housing Requirement may be met through a variety of housing types, including but not limited to, for-sale units or rental units.
2. For-Sale Affordable Dwelling Units. All purchasers of the affordable units shall be approved by the Albemarle County Community Development Department or its designee ("Community Development"). A for-sale Affordable Dwelling Unit shall mean any unit affordable to households with income less than eighty percent (80%) of the area median income (as determined by the U.S. Department of Housing and Urban Development (HUD) from time to time) such that housing costs consisting of principal, interest, real estate taxes and homeowners insurance (PITT) do not exceed thirty percent (30%) of the gross household income; provided, however, that in no event shall the selling price for such affordable units be more than sixty-five percent (65%) of the applicable Virginia Housing Development Authority (VHDA) maximum sales price / loan limit for first-time homebuyer programs (the "VHDA Limit"). The Applicant or its successor shall provide the County or its designee a period of ninety (90) days to identify and prequalify an eligible purchaser for the for-sale Affordable Dwelling Units. The ninety (90) day period shall commence upon written notice from the Applicant or its successor that the unit(s) will be available for sale. This notice shall not be given more than sixty (60) days prior to receipt of the Certificate of Occupancy for the applicable for-sale Affordable Dwelling Unit; the County or its designee may then have thirty (30) days within which to provide a qualified purchaser for such for-sale Affordable Dwelling Unit. If the County or its designee does not provide a qualified purchaser during the ninety (90) day period, the Applicant or its successor shall have the right to sell the unit(s) without any restriction on sales price or income of the purchaser(s). This shall apply only to the first sale of each of the for-sale Affordable Dwelling Units.
3. For-Rent Affordable Dwelling Units.
 - a. **Rental Rates.** The net rent for each rental housing unit which shall qualify as an Affordable Dwelling Unit ("For-Rent Affordable Dwelling Unit") shall not exceed HUD's affordability standard of thirty percent (30%) of the income of a household making eighty percent (80%) of the area median income (as determined by HUD from time to time). In each subsequent calendar year, the

monthly net rent for each For-Rent Affordable Dwelling Unit may be increased up to three percent (3%). The term “net rent” means that the rent does not include tenant-paid utilities or Homeowners Association fees. The requirement that the rents for such For-Rent Affordable Dwelling Units may not exceed the maximum rents established in this Section shall apply for a period of ten (10) years following the date the certificate of occupancy is issued by the County for each For-Rent Affordable Dwelling Unit, or until the units are sold as low or moderate cost units qualifying as such under either the VHDA, Farmers Home Administration, or Housing and Urban Development, Section 8, whichever comes first (the “Affordable Term”).

- b. **Conveyance of Interest.** All deeds conveying any interest in the For-Rent Affordable Dwelling Units during the Affordable Term shall contain language reciting that such unit is subject to the terms of this Section. In addition, all contracts pertaining to a conveyance of any For-Rent Affordable Dwelling Unit, or any part thereof, during the Affordable Term shall contain a complete and full disclosure of the restrictions and controls established by this Section. At least thirty (30) days prior to the conveyance of any interest in any For-Rent Affordable Dwelling Unit during the Affordable Term, the then-current Owner shall notify the County in writing of the conveyance and provide the name, address and telephone number of the potential grantee, and state that the requirements of this Section have been satisfied.
 - c. **Reporting Rental Rates.** During the Affordable Term, within thirty (30) days of each rental or lease term for each For-Rent Affordable Dwelling Unit, the Applicant or its successor shall provide to the Housing Office a copy of the rental or lease agreement for each such unit rented that shows the rental rate for such unit and the term of the rental or lease agreement. In addition, during the Affordable Term, the Applicant or its successor shall provide to the County, if requested, any reports, copies of rental or lease agreements, or other data pertaining to rental rates as the County may reasonably require.
4. **Tracking.** Each subdivision plat and site plan for land within the Property shall designate lots or units, as applicable, that will satisfy the 15% Affordable Housing Requirement. Such subdivision plat(s) or site plan(s) shall not be required to identify the method by which the 15% Affordable Housing Requirement will be satisfied. The aggregate number of such lots or units designated for affordable units within each subdivision plat or site plan shall constitute a minimum of fifteen percent (15%) of the lots or units in such subdivision plat or site plan, unless such subdivision plat or site plan does not contain any residential uses. The Applicant, at the Applicant’s option, may accelerate the provision of affordable units ahead of the 15% Affordable Housing Requirement and shall be entitled to receive credit on future subdivision plat(s) or site plan(s) for any such units provided beyond the 15% Affordable Housing Requirement.