

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 061M0-00-00-00600. This Code of Development establishes the unifying design guidelines, specific regulations and block characteristics. The COD also provides certainty about 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 or Non-residential	Mixed-Use or Residential
Residential		
Single Family Detached	N	N
Single Family Attached	N	N
Multifamily	BR	BR
Assisted Living Facilities (20A.8a)	BR	BR
Skilled Nursing Facilities (20A.8a)	BR	BR
Group Homes (20A.8a)	BR	BR
Transient Lodging	BR	BR
Home Occupation, Class A	BR	BR
Accessory Uses and Buildings Including Storage	BR	BR
Non-Residential		
Retail (Neighborhood, Community and Regional)	BR	BR
General Commercial Service	BR	BR
Office/R&D	BR	BR
Flex	BR	BR
Light Manufacturing / Storage / Distribution	BR	SP
Stand Alone Parking	N	N
Heavy Manufacturing / Storage / Distribution	N	N
Warehousing / Distribution	BR	N
Institutional	BR	SP
Public Uses (5.1.12)	BR	BR
Farmers’ Markets (5.1.47)	BR	BR
Family Day Homes (5.1.56)	BR	BR
Childcare Center	BR	BR
Auto Service Uses	N	N
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 / sewage collection lines, pumping stations / appurtenances owned and operated by the ACSA. Except as otherwise expressly provided, central water supplies / central sewage systems in conformance with all applicable law.	BR	BR

BLOCK	BLOCK 1	BLOCK 2
	Mixed-Use or Non-residential	Mixed-Use or Residential
Temporary construction uses	BR	BR
SWM 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	BR	BR

Notes to Table A:

1. Use of all units within the existing buildings identified on the application plan as Buildings A, B, C, and Building D is permitted as multifamily housing or transient lodging until the redevelopment of the site occurs per the phasing plan outlined on the application plan.
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. The Project must contain at least two uses at final build-out.
4. The Owner shall provide affordable housing equal or greater than sixty percent (60%) of the total number of residential dwelling units constructed on the Property. See section VII of this Code of Development for Supplemental Regulations regarding Affordable Housing and Residential Uses.

II. Development Square Footage Proposed and Residential Density (Section 20A.b and c)

TABLE B. DENSITY, HOUSING TYPE, AND NON-RESIDENTIAL USE BY BLOCK								
BLOCK	APPROX. BLOCK SIZE	MIN. DWELLING UNITS	MAX. DWELLING UNITS ¹	MAX PROJECT GROSS DENSITY	PERMITTED HOUSING TYPES	MIN NON-RESIDENTIAL SINGLE BUILDING FOOTPRINT (SF)	MAX NON-RESIDENTIAL SINGLE BUILDING FOOTPRINT (SF)	MIN AND MAX GROSS BUILDING AREA PER USE (SF)
BLOCK 1 Mixed-Use or Non-Residential	46,609 SF (1.07 acres)	0	20 ¹	37 DUA	Multifamily, Special Needs Housing	5,000	20,000	-
						<i>Retail</i>		5,000 - 10,000
						<i>Office/Flex</i>		5,000 - 40,000
						<i>Institutional</i>		5,000 - 20,000
						<i>Light Manufact.</i>		5,000 - 20,000
BLOCK 2 Mixed-Use or Residential	116,740 SF (2.68 acres)	80	140 ¹		Multifamily, Special Needs Housing	0	10,000	-
TOTAL	163,335 SF (3.75 acres)	80	140 ¹	37 DUA	MF, SNH	5,000	20,000	-

Notes to Table B:

1. Use of all units within the existing buildings identified on the application plan as Buildings A, B, C, and Building D is permitted as multifamily housing or transient lodging until the redevelopment of the site occurs per the phasing plan outlined on the application plan.
2. Total maximum non-residential square footage per the Project may not exceed the total however the total square footage may be allowed in Block 1 only.
3. Total maximum gross density may not exceed 140 dwelling units for the entire Project, however the total density may be allowed in Block 2 only.
4. The size of the blocks may vary by 10%.
5. Residential uses in Block 1 are not permitted on the ground floor at final build-out. The primary use in Block 1 shall be non-residential at final build-out.

III. Green Space, Amenities (Section 20A.5d) and Recreational Facilities

TABLE C. MINIMUM GREEN SPACE AND AMENITIES BY BLOCK							
	AMENITY AREA MIN SF	AMENITY AREA %	AMENITIES	GREEN SPACE MIN SF	GREEN SPACE %	GREEN SPACE ELEMENTS	AMENITY & GREEN SPACE %
Block 1 Mixed-Use or Non- Residential	4,661	10% (4,661 of 46,609 total SF)	Courtyard/Plaza, Landscaping, Seating, Streetscape	9,322	20% (9,211 of 46,609 total SF)	Entrance Corridor Landscape and Streetscape	20%
Block 2 Mixed-Use or Residential	11,674	10% (11,674 of 116,740 total SF)	Outdoor Courtyards/Plazas with Landscaping and Seating; Meditative Garden; Indoor Community Rooms; Indoor Computer Rooms	23,348	20% (23,348 of 116,740 total SF)	Landscaped Buffer and Streetscape at Premier	20%
TOTAL	16,335 ⁵	10% (16,335 of 163,350 total SF)		32,670	20% (32,670 of 163,350 total SF)		20%

Notes to Table C:

1. Location of amenities and greenspace shall be assessed at the site plan stage of development.
2. The minimum amenity space and greenspace area per block may vary so long as the overall total is provided per the Project.
3. Amenity Space may be provided within buildings.
4. Amenity Space may be within Greenspace per the Zoning Ordinance Section 20A.9.d.
5. A minimum of 2,500 sf of Amenity Space must be provided by the end of Phase 1 redevelopment of the site per the phasing plan outlined on the Application Plan.

TABLE D: RECREATIONAL FACILITY REQUIREMENTS		
BLOCK	FACILITY	MIN. FACILITY AREA SF
Blocks 1 & 2	One (1) 2,000 sf contiguous community garden space per each residential multifamily building constructed. This garden shall provide the following: <ul style="list-style-type: none">• raised garden beds• a continuous perimeter fence• accessibility• adequate sun exposure• adequate size, location, shape, slope and condition of the land• a water source	2,000 SF contiguous space per garden with proportions adequate to the tasks required while gardening.
	One (1) 500 sf interior fitness room per each residential multifamily building constructed. This fitness room shall provide equipment appropriate for the residents to whom it serves.	500 SF min space per fitness room with proportions adequate to fitness and required clearances around equipment.

Notes to Table D:

1. Location of recreational facilities shall be assessed at the site plan stage of development.
2. Recreational facilities must be accessible to the residents to which they serve and are not required to be accessible to the public.

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

Landscaped Buffer Next to Street

A Landscaped Buffer shall be provided adjacent to the Entrance Corridor as specified in the Entrance Corridor Design guidelines, subject to the following conditions:

1. Street trees shall be appropriate for the grade of the terrain.
2. Street trees shall be placed to avoid utility easements and overhead powerlines.
3. A row of vegetative screening as specified in Section 18-32.7.9.7 shall be used adjacent to parking along the Entrance Corridor.
4. The landscaping shall allow for future potential pedestrian paths or sidewalks to comply with Urban Frontage or Landscape Development Frontage as described in the Places29 Master Plan adopted February 2, 2011, revised June 10, 2015.

Landscaping Along Premier Circle

Landscaping along Premier Circle and any interior roads shall be provided as specified in Interior Roads section of the Entrance Corridor Design guidelines.

Landscaping of Buildings and Other Structures at Entrance Corridor

Landscaping along Buildings in Block 1 shall be provided as specified in the Entrance Corridor Design guidelines.

Landscaping of Parking Areas

Landscaping in parking areas in Block 1 adjacent to the Entrance Corridor shall be provided as specified in the Entrance Corridor Design guidelines.

Landscaped Buffer Next to UDA Boundary

A 20' minimum landscaped Buffer shall be provided adjacent to the UDA Boundary as described in the "Future Land Use Plan and Transportation Network" Section of the Places29 Master Plan adopted February 2, 2011, revised June 10, 2015 also described as the northwest property line between the Property and Berkley Subdivision. This buffer must contain a mixture of ever green or deciduous trees and shrubs and provide screening to comply with the Zoning Ordinance Section 32.7.9.7 where required. This buffer may be disturbed but must be replanted.

V. Lot and Building Height Regulations (Section 20A.5 i)

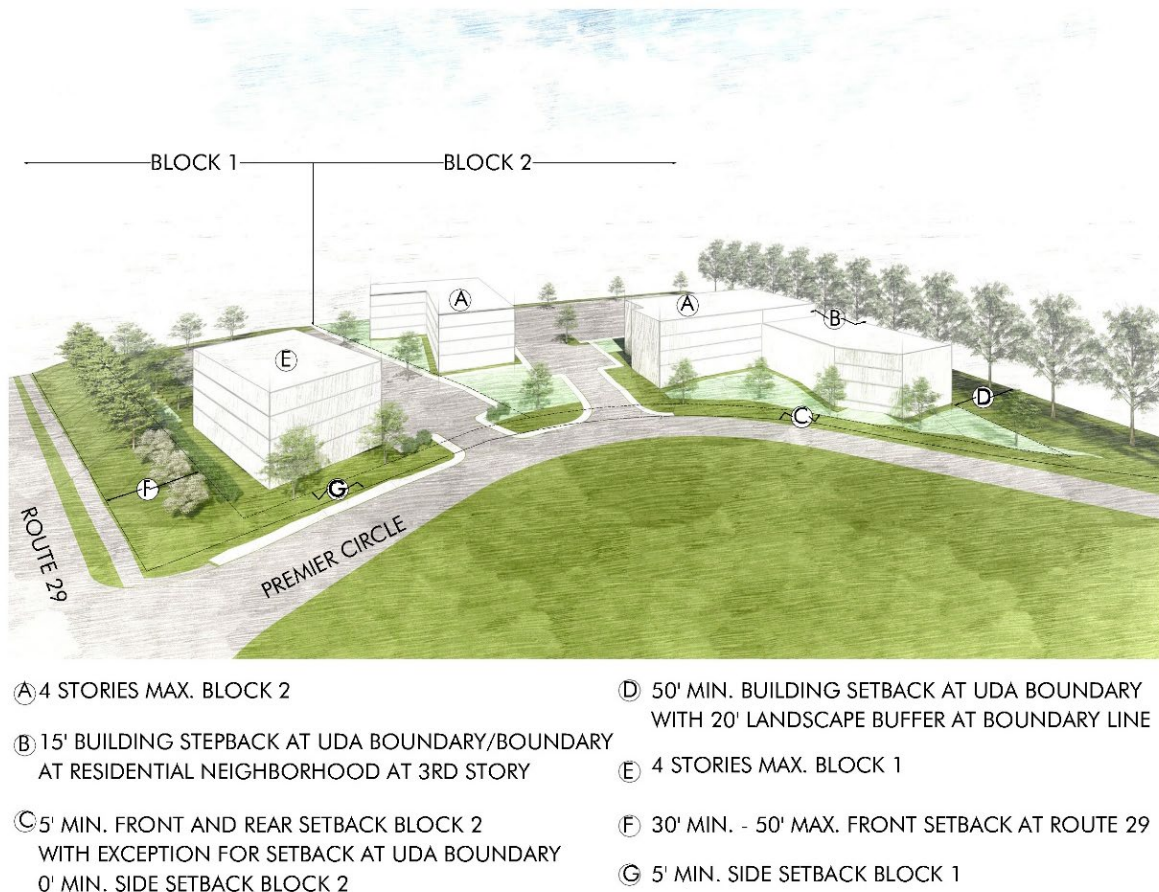
TABLE E. LOT AND BUILDING REGULATIONS		
	BLOCK 1	BLOCK 2
	Mixed-Use or Non-Residential	Mixed-Use or Residential
Building Height		
Stories		
Min.	1 Min.	1 Min.
Max.	4 Max. ⁷	4 Max.
Max. Height	50’	50’
Building Setbacks		
Front at Entrance Corridor	30’ Min. – 50’ Max.	NA
Front	10’ Min. – 50’ Max.	5’ Min. (No. Max.)
Rear	10’ Min. (No Max.)	5’ Min. (No Max.)
Side	5’ Min. (No Max.)	0’ Min. (No Max.)
Along the UDA Boundary <i>(also described as the northwest property line between the Property and Berkley Subdivision)</i>	NA	50’ Min. (No Max.)
Stepback along building face that directly faces UDA Boundary <i>(also described as the northwest property line between the Property and Berkley Subdivision)</i>		
Min. At Building Height Of	NA	15’ 3 Stories (OR 40’)
Other		
Lot Size (Min. or Max.)	None	None
Residential Units Allowable	See TABLE B	
Residential Unit Type		
Parking		
Min. Required	20 – 133, depending on mixture of uses	28 – 106, depending on unit count, etc.
Total Required	48 – 239, depending on mixture of uses	

Notes to Table E:

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 and types of residential units pursuant to Section VI of this Code of Development and non-residential uses pursuant to 18-4.12.6 . Minimum parking requirements may restrict some uses that historically require large amounts of parking. Multiple parking alternatives per 18-4.12 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 pursuant to the Zoning Ordinance Section 4.11.

4. Any primary structure in Block 1 shall conform to provisions of the Entrance Corridor Design Guidelines.
5. Dumpsters and Dumpster Pads on the Property shall be screened pursuant to the Zoning Ordinance Section 4.12.19.
6. At the UDA Boundary as described in the "Future Land Use Plan and Transportation Network" Section of the Places29 Master Plan adopted February 2, 2011, revised June 10, 2015 also described as the NW property line between the Property and Berkeley Subdivision, a 20' minimum landscaped buffer shall be maintained as measured from the property line. See Section IV. of this Code of Development for more regulations regarding the Landscaped Buffer Next to the UDA Boundary.
7. Total building height may only be 3 stories for retail uses per the Places29 Master Plan adopted February 2, 2011, revised June 10, 2015.

Figure 1: LOT AND BUILDING REGULATIONS ILLUSTRATED



VI. Parking Regulations (Section 20A.5 i)

TABLE F. RESIDENTIAL PARKING REQUIREMENTS	
RESIDENTIAL USE	NUMBER OF PARKING SPACES
multifamily	
<500 sf	0.35
1 bedroom	1.3
2+ bedrooms	1.3
special needs housing	
<500 sf	0.35
1 bedroom	1.3
2+ bedrooms	1.3

Location of Parking

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 the uses described in Table E in section VI of this Code of Development and pursuant to the Zoning Ordinance Section 4.12.6. 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.

Screening

Pursuant to the Zoning Ordinance Section 32.7.9.7, the parking areas along Premier Circle and Route 29 boundaries of the Property are required to be screened as specified in the Zoning Ordinance Section 32.7.9.7(b).

VII. Supplemental Regulations for Affordable Housing and Residential Uses

The Owner shall provide affordable housing equal or greater than sixty percent (60%) of the total number of residential dwelling units constructed on the Property, subject to the following conditions:

1. These units may be created as for-sale or for-rent. The affordable housing objective may be met through any of the permitted housing types per Section I of this Code of Development.
2. "For-Sale Affordable Housing Units" shall be a residential unit offered for sale to Qualifying Families with evidence of incomes 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 (PITI) do not exceed thirty percent (30%) of the gross household income. All purchasers of for-sale affordable units shall be approved by Albemarle County Community Development Department or its designee. The Owner shall provide the County or its designee a period of 120 days to identify and pre-qualify an eligible purchaser for the affordable units. The 120-day period shall commence upon written notice from the Owner that the units will be available for sale. This notice shall not be given more than 90 days prior to the anticipated receipt of the certificate of occupancy. If Albemarle County or its designee does not provide a qualified purchaser within this 120-day period for such For-Sale Affordable Housing Units, the Owner shall have the right to sell the unit(s) without any restriction on sales price or income of the purchaser(s).

3. "For-Rent Affordable Housing Units" shall be a residential unit offered for rent to Qualifying Families with evidence of incomes less than eighty percent (80%) of the area median income (as determined by HUD from time to time) at an initial rent that does not exceed the then-current and applicable U.S. Department of Housing and Urban Development (HUD) Fair Market Rents minus an allowance for any tenant-provided utilities. The designated affordable rental units shall remain affordable for a minimum of 15 years after initial occupancy.
4. Affordable Units shall also be defined as a for-rent or for-sale dwelling unit for households with income less than 80% or below the Area Median Income (AMI) as determined by the U.S. Department of Housing and Urban Development such that housing costs do not exceed HUD's affordability standard of thirty percent (30%) of household income.
5. Each subdivision plat or site plan shall designate the number of affordable units provided and the minimum number of required affordable units per the Code of Development.

VIII. Pedestrian Circulation and Access to Public Transit

1. **On-site Bus Stop:** The Applicant shall construct a Charlottesville Area Transit (CAT) stop (the "Transit Stop") on the Property along the frontage of Premier Circle in the approximate location shown on the Application Plan or as otherwise agreed among the County, CAT, and the Applicant. The Transit Stop shall be constructed and placed in service at the request of the County and shall be designed and constructed in coordination with, and shall be approved by, the appropriate County authority and CAT. If any portion of the Transit Stop is located on the Property, the Owner shall dedicate it to public use or grant an easement as necessary to allow for the public access and usage of the Transit Stop.
2. **Inter-parcel Pedestrian Connection:** The Application Plan shows potential future pedestrian connections between the Property and the parcels along the northeast side of Westfield Road. Any such future pedestrian connection will be subject to future development and access easement agreements; therefore, it is not intended that any or all depicted connections will be made, rather that these are identified as potential points of connection to future development on the neighboring property(ies). The connections may provide a direct route for residents to access the future development of a Neighborhood Service Center and to the existing bus stop on Commonwealth Drive. The Applicant will grant such inter-parcel easement(s) across the Property at the request of the County.