ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, AND ARTICLE III, DISTRICT 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 I, General Provisions, and Article III, District Regulations, is hereby amended and reordained as follows:

By Amending:

Sec. 2.4.1 - Application of bonus factors.
Sec. 2.4.2 Procedures – Generally
Sec. 12.3 Area and bulk regulations
Sec. 12.4.1 Environmental standards.
Sec. 12.4.2 Development standards.
Sec. 12.4.3 Low and moderate cost housing.
Sec. 13.4.1 Environmental standards.
Sec. 13.4.2 Development standards.
Sec. 13.4.3 Affordable housing.
Sec. 14.4.1 Environmental standards.
Sec. 14.4.2 Development standards.
Sec. 14.4.3 Affordable housing.
Sec. 15.4.1 Environmental standards.
Sec. 15.4.2 Development standards.
Sec. 15.4.3 Affordable housing.
Sec. 16.4.1 Environmental standards.
Sec. 16.4.2 Development standards.
Sec. 16.4.3 Affordable housing.
Sec. 17.4.1 Environmental standards.
Sec. 17.4.2 Development standards.
Sec. 17.4.3 Affordable housing.
Sec. 18.4.1 Environmental standards.
Sec. 18.4.2 Development standards.
Sec. 18.4.3 Affordable housing.

By Adding:

Sec. 2.4.3 Environmental Standards Bonus Factors
Sec. 2.4.4 Development Standards Bonus Factors
Sec. 2.4.5 Affordable Housing Bonus Factors

By Removing:

Sec. 12.4.4 The cumulative effect of density factors above may not exceed 50 percent.
Sec. 13.4.4 The cumulative effect of density factors above may not exceed 50 percent.
Sec. 14.4.4 The cumulative effect of density factors above may not exceed 50 percent.
Sec. 15.4.4 The cumulative effect of density factors above may not exceed 50 percent.
Sec. 16.4.4 The cumulative effect of density factors above may not exceed 50 percent.
Sec. 17.4.4 The cumulative effect of density factors above may not exceed 50 percent.
Sec. 18.4.4 The cumulative effect of density factors above may not exceed 33 percent.

Chapter 18. Zoning

Article I. General Provisions

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Section 2 Application of Regulations

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Sec. 2.4.1 - Application of bonus factors.

Bonus factors will ~~shall~~ be applied to the gross density-standard level in accordance with the regulations of the applicable district, except that (a) the resulting density shall not exceed the recommended density shown in the comprehensive plan and (b) the cumulative effect of all density factors may not exceed 50 percent.

Unless otherwise specifically provided, bonus factors shall not be permitted for any improvement or design feature required by this ordinance, Chapter 14 of the Code of Albemarle, or any other applicable law or regulation. Where permitted, bonus factors shall be applied in toto only.

Sec. 2.4.2 Procedures—Generally.

Bonus factors may be applied at the time of subdivision or site development plan approval, whichever is applicable. The applicant must ~~shall~~ submit preliminary plats or site development plans which must ~~shall~~ be of sufficient detail to permit preliminary determination of probable bonus factors by the staff.

Following the approval of a plan or plat which utilizes a bonus provision, such density increase will ~~shall~~ be reflected and retained in official County records. ~~designated on the official zoning map with an appropriate symbol for reference purposes. (Amended 8-14-85)~~

Sec. 2.4.3 Environmental Standards Bonus Factors

a. Environmental standards bonus factors apply to the following zoning districts:

BONUS FACTORS - ENVIRONMENTAL STANDARDS		
STANDARD	**If existing wooded areas equal to 10 to 19 percent of the site*are maintained**	**If existing wooded areas equal to 20 percent or greater of the site* are maintained**
DENSITY INCREASE	**A density increase of 5 percent will be granted**	**A density increase of 10 percent will be granted**
DISTRICT		
VR	**X**	**X**
R-1	**X**	**X**
R-2	**X**	**X**
R-4	**X**	**X**
R-6	**X**	**X**
R-10	**X**	**X**
R-15	**X**	**X**
***In order to qualify for this bonus, a conservation plan as specified in section 32.7.9 must be submitted.**		

Sec. 2.4.4 Development Standards Bonus Factors

a. Development standards bonus factors apply to the following zoning districts:

BONUS FACTORS - DEVELOPMENT STANDARDS		
STANDARD	**If road improvements to secondary or primary roads not otherwise required by this ordinance or Chapter 14 of the Code of Albemarle are provided**	**If land not otherwise required by law is dedicated* to public use,**
DENSITY INCREASE	**Up to 20 percent will be granted**	**The acreage of the land will be multiplied by twice the gross density standard level, and the resulting number of dwellings may be added to the site, up to a 15 percent increase**
DISTRICT		
VR	**X**	
R-1	**X**	**X**
R-2	**X**	**X**
R-4	**X**	**X**
R-6	**X**	**X**
R-10	**X**	**X**
R-15	**X**	**X**
***The dedication must be accepted by the board of supervisors prior to final approval.**		

Sec. 2.4.5 Affordable Housing Bonus Factors

a. Affordable housing bonus factors apply to the following zoning districts, subject to the applicable standards of subsection b:

BONUS FACTORS – AFFORDABLE HOUSING		
STANDARD	**If at least one-half of the additional housing units allowed by this density bonus are developed as affordable housing units**	**If at least 30 percent of the number of units achievable under gross density-standard level are developed as low or moderate cost units**
DENSITY INCREASE	**Up to 30 percent will be granted**	
VR		**X**
R-1	**X**	
R-2	**X**	
R-4	**X**	
R-6	**X**	
R-10	**X**	
R-15	**X**	
***The dedication must be accepted by the board of supervisors prior to final approval.**		

b. Affordable housing standards

1. The initial sale price for sale units or the rental rate for a period of at least ten years for rental units must qualify as affordable housing under either the Virginia Housing Development Authority, Farmers Home Administration or Housing and Urban Development housing choice voucher program.
2. If rental units, the developer must enter into an agreement with the County of Albemarle restricting the rental rates of the affordable units for a period of at least ten years or until the units are sold as affordable units, whichever comes first.
3. If sale units, the developer must provide the County of Albemarle with confirmation of the initial sale price for the affordable units prior to the issuance of building permits for the bonus units.
4. Manufactured homes for rent in an approved manufactured home park may be considered rental units under this section provided they qualify as affordable housing under the Housing and Urban Development housing choice voucher program.
5. Manufactured home lots for rent in an approved manufactured home park may qualify for this bonus provided the developer enters into an agreement with the County of Albemarle that the lots will be available for rent to manufactured home owners for a period of at least ten years.
6. Manufactured home lots for sale in an approved manufactured home subdivision may qualify for this bonus provided the developer restricts the use of the lots to manufactured homes or other affordable housing for a period of at least ten years.
7. The decision to extend the periods beyond the ten year minimum provided in subsections (a), (b), (c), (e) and (f) will be at the sole discretion of the developer.
8. The occupancy of the affordable units must be restricted to those households with incomes at or below 80 percent of the area median income for for-sale units and at or below 60 percent of the area median income for rental units. Prior to issuance of the first certificate of occupancy for a building providing affordable rental units, the developer must enter into a rental rate agreement with the County, that delineates the terms and conditions pertaining to rental rates, occupancy and reporting during the minimum ten year period.

ARTICLE III – District Regulations

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SECTION 12 - Village Residential - VR

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Sec. 12.3 Area and bulk regulations.

AREA AND BULK REGULATIONS

REQUIREMENTS	STANDARD LEVEL		BONUS LEVEL	
	CONVENTIONAL DEVELOPMENT	CLUSTER DEVELOPMENT	CONVENTIONAL DEVELOPMENT	CLUSTER DEVELOPMENT
Gross density	0.7 du/acre	0.7 du/acre	1.05 ~~1.09~~ du/acre	1.05 ~~1.09~~ du/acre
Minimum Lot Size	60,000 sq ft	40,000 sq ft	40,000 sq ft	25,000 sq ft
Minimum frontage:				
public, private	130 feet	110 feet	110 feet	90 feet
Yards, minimum:				
Front	25 feet	25 feet	25 feet	25 feet
Side	15 feet	15 feet	15 feet	15 feet
Rear	20 feet	20 feet	20 feet	20 feet
Maximum structure height	35 feet	35 feet	35 feet	35 feet

(§ 20-12.3, 12-10-80; § 18-12.3, Ord. 98-A(1), 8-5-98)

Sec. 12.4 Bonus factors. (Reference 2.4)

Sec. 12.4.1 Environmental standards.

Environmental standards bonus factors will be applied to the gross density-standard level in accordance with the applicable regulations in Section 2.4.3.

~~For maintenance of existing wooded areas equal to: ten percent to 19 percent of the site, a density increase of five percent shall be granted; 20 percent or greater of the site, a density increase of ten percent shall be granted.~~

~~In order to qualify for this bonus, a conservation plan as specified in section 32.7.9 shall be required.~~

~~For provision of significant landscaping in the form of street trees as specified in section 32.7.9, a density increase of five percent shall be granted. This bonus shall not be granted if existing trees along road frontages have been needlessly removed.~~

(§ 20-12.4.1, 12-10-80; 8-14-85; 9-9-92; § 18-12.4.1, Ord. 98-A(1), 8-5-98)

Sec. 12.4.2 Development standards.

Development standards bonus factors will be applied to the gross density-standard level in accordance with the applicable regulations in Section 2.4.4.

~~For serving all lots with an internal road system which is the sole access to the existing state-maintained road system, a ten percent density increase shall be granted.~~

~~For provision of road improvements to secondary or primary roads not otherwise required by this ordinance or Chapter 14 of the Code of Albemarle, a density increase up to 20 percent shall be granted, to be agreed upon by the commission and the applicant, based upon the relative need for transportation improvements in the area. The need for such improvements shall be established by the Virginia Department of Highways and Transportation.~~

(§ 20-12.4.2, 12-10-80; 8-14-85; § 18-12.4.2, Ord. 98-A(1), 8-5-98)

Sec. 12.4.3 ~~–~~ Affordable housing ~~Low and moderate cost housing.~~

Affordable housing bonus factors will be applied to the gross density-standard level in accordance with the applicable regulations in Section 2.4.5.

~~For provision of low or moderate cost housing units as follows, a density increase of 30 percent shall be granted:~~

~~a. At least 30 percent of the number of units achievable under gross density standard level shall be developed as low or moderate cost units; and~~

~~b. The initial sale price for sale units or the rental rate for a period of five years for rental units shall qualify as low or moderate cost housing under either the Virginia Housing Development Authority, Farmers Home Administration or Housing and Urban Development Section 8; and~~

~~c. If rental units, the developer shall enter into an agreement with the County of Albemarle restricting the rental rates of the low or moderate cost units for a period of five years or until the units are sold as low or moderate cost units whichever comes first; and~~

~~d. If sale units, the developer shall provide the director of planning and community development with confirmation of the initial sale price for the low or moderate cost units prior to the issuance of building permits for the bonus units.~~

~~e. Manufactured homes for rent in an approved manufactured home park shall be considered rental units under this section provided they qualify as low or moderate cost housing under the Housing and Urban Development Section 8 program;~~

~~f. Manufactured home lots for rent in an approved manufactured home park shall qualify for this bonus provided the developer shall enter into an agreement with the County of Albemarle that the lots shall be available for rent to manufactured home owners for a period of five years;~~

g. Manufactured home lots for sale in an approved manufactured home subdivision shall qualify for this bonus provided the developer shall restrict the use of the lots to manufactured homes or other low or moderate cost housing for a period of five years.

(§ 20-12.4.3, 12-10-80; 8-14-85; 3-5-86; § 18-12.4.3, Ord. 98-A(1), 8-5-98; Ord. 18-18(1) , 1-10-18)

Sec. 12.4.4 The cumulative effect of density factors above may not exceed 50 percent.

(§ 20-12.4.4, 12-10-80; 8-14-85; § 18-12.4.1, Ord. 98-A(1), 8-5-98)

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SECTION 13 - Residential – R-1

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Sec. 13.4 Bonus factors. (Reference 2.4)

Sec. 13.4.1 Environmental standards.

Environmental standards bonus factors will be applied to the gross density-standard level in accordance with the applicable regulations in Section 2.4.3.

For maintenance of existing wooded areas equal to: ten percent to 19 percent of the site, a density increase of five percent shall be granted; 20 percent or greater of the site, a density increase of ten percent shall be granted.

In order to qualify for this bonus, a conservation plan as specified in section 32.7.9 shall be required. (Amended 9-9-92)

For provision of significant landscaping in the form of street trees as specified in section 32.7.9, a density increase of five percent shall be granted. This bonus shall not be granted if existing trees along road frontages have been needlessly removed. (Amended 8-14-85; 9-9-92)

Sec. 13.4.2 Development standards.

Development standards bonus factors will be applied to the gross density-standard level in accordance with the applicable regulations in Section 2.4.4.

For serving lots with an internal road system which is the sole access to the existing state-maintained road system, a density increase of ten percent shall be granted.

For dedication of land to public use not otherwise required by law, density may be increased as follows:

The acreage of the land dedicated and accepted shall be multiplied by twice the gross density-standard level, and the resulting number of dwellings may be added to the site, provided that the density increase shall not exceed 15 percent. The dedication shall be accepted by the board of supervisors prior to final approval.

For provision of road improvements to secondary or primary roads not otherwise required by this ordinance or Chapter 14 of the Code of Albemarle, a density increase up to 20 percent shall be granted, to be agreed upon by the commission and the applicant, based upon the relative need for transportation improvements in the area. The need for such improvements shall be established by the Virginia Department of Highways and Transportation.

(Amended 8-14-85)

Sec. 13.4.3 Affordable housing.

Affordable housing bonus factors will be applied to the gross density-standard level in accordance with the applicable regulations in Section 2.4.5.

For providing affordable housing units, a density increase of 30 percent shall be granted, subject to the following:

a. At least one-half of the additional housing units allowed by this density bonus shall be developed as affordable housing units. (Amended 10-3-07)

b. The initial sale price for sale units or the rental rate for a period of at least ten years for rental units shall qualify as affordable housing under either the Virginia Housing Development Authority, Farmers Home Administration or Housing and Urban Development housing choice voucher program. (Amended 10-3-07)

c. If rental units, the developer shall enter into an agreement with the County of Albemarle restricting the rental rates of the affordable units for a period of at least ten years or until the units are sold as affordable units, whichever comes first. (Amended 10-3-07)

d. If sale units, the developer shall provide the chief of housing with confirmation of the initial sale price for the affordable units prior to the issuance of building permits for the bonus units. (Amended 8-14-85; 10-3-07)

e. Manufactured homes for rent in an approved manufactured home park shall be considered rental units under this section provided they qualify as affordable housing under the Housing and Urban Development housing choice voucher program. (Added 3-5-86; Amended 10-3-07)

f. Manufactured home lots for rent in an approved manufactured home park shall qualify for this bonus provided the developer enters into an agreement with the County of Albemarle that the lots shall be available for rent to manufactured home owners for a period of at least ten years. (Added 3-5-86; Amended 10-3-07)

g. Manufactured home lots for sale in an approved manufactured home subdivision shall qualify for this bonus provided the developer restricts the use of the lots to manufactured homes or other affordable housing for a period of at least ten years. (Added 3-5-86; Amended 10-3-07)

h. The decision to extend the periods beyond the ten year minimum provided in subsections (b), (c), (f) and (g) shall be in the sole discretion of the developer. (Added 10-3-07)

i. The occupancy of the affordable units shall be restricted to those households with incomes at or below 80 percent of the area median income for for-sale units and at or below 60 percent of the area median income for rental units. The chief of housing or his designee must approve all purchasers of for-sale units based on household income. Prior to issuance of the first certificate of occupancy for a building providing affordable rental units, the developer shall enter into a rental rate agreement with the county, approved by the county attorney, that delineates the terms and conditions pertaining to rental rates, occupancy and reporting during the minimum ten-year period. (Added 10-3-07)

(§ 13.4.3, 12-10-80; 8-14-85; 3-5-86; Ord. 07-18(2) , 10-3-07)

Sec. 13.4.4 The cumulative effect of density factors above may not exceed 50.

(Amended 8-14-85)

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SECTION 14 - Residential – R-2

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Sec. 14.4 Bonus factors. (Reference 2.4)

Sec. 14.4.1 Environmental standards.

Environmental standards bonus factors will be applied to the gross density-standard level in accordance with the applicable regulations in Section 2.4.3.

For maintenance of existing wooded areas equal to: ten percent to 19 percent of the site, a density increase of five percent shall be granted; 20 percent or greater of the site, a density increase of ten percent shall be granted.

In order to qualify for this bonus, a conservation plan as specified in section 32.7.9 shall be required. (Amended 9-9-92)

For provision of significant landscaping in the form of street trees as specified in section 32.7.9, a density increase of five percent shall be granted. This bonus shall not be granted if existing trees along road frontages have been needlessly removed. (Amended 8-14-85; 9-9-92)

Sec. 14.4.2 Development standards.

Development standards bonus factors will be applied to the gross density-standard level in accordance with the applicable regulations in Section 2.4.4.

~~For serving lots with an internal road system which is the sole access to the existing state-maintained road system, a density increase of ten percent shall be granted.~~

~~For dedication of land to public use not otherwise required by law, density may be increased as follows:~~

~~The acreage of the land dedicated and accepted shall be multiplied by twice the gross density-standard level, and the resulting number of dwellings may be added to the site, provided that the density increase shall not exceed 15 percent. The dedication shall be accepted by the board of supervisors prior to final approval.~~

~~For provision of road improvements to secondary or primary roads not otherwise required by this ordinance or Chapter 14 of the Code of Albemarle, a density increase up to 20 percent shall be granted, to be agreed upon by the commission and the applicant, based upon the relative need for transportation improvements in the area. The need for such improvements shall be established by the Virginia Department of Highways and Transportation. (Amended 8-14-85)~~

Sec. 14.4.3 Affordable housing.

Affordable housing bonus factors will be applied to the gross density-standard level in accordance with the applicable regulations in Section 2.4.5.

~~For providing affordable housing units, a density increase of 30 percent shall be granted, subject to the following:~~

~~a. At least one-half of the additional housing units allowed by this density bonus shall be developed as affordable housing units. (Amended 10-3-07)~~

~~b. The initial sale price for sale units or the rental rate for a period of at least ten years for rental units shall qualify as affordable housing under either the Virginia Housing Development Authority, Farmers Home Administration or Housing and Urban Development housing choice voucher program. (Amended 10-3-07)~~

~~c. If rental units, the developer shall enter into an agreement with the County of Albemarle restricting the rental rates of the affordable units for a period of at least ten years or until the units are sold as affordable units, whichever comes first. (Amended 10-3-07)~~

~~d. If sale units, the developer shall provide the chief of housing with confirmation of the initial sale price for the affordable units prior to the issuance of building permits for the bonus units. (Amended 8-14-85; 10-3-07)~~

~~e. Manufactured homes for rent in an approved manufactured home park shall be considered rental units under this section provided they qualify as affordable housing under the Housing and Urban Development housing choice voucher program. (Added 3-5-86; Amended 10-3-07)~~

~~f. Manufactured home lots for rent in an approved manufactured home park shall qualify for this bonus provided the developer enters into an agreement with the County of Albemarle that the lots shall be available for rent to manufactured home owners for a period of at least ten years. (Added 3-5-86; Amended 10-3-07)~~

~~g. Manufactured home lots for sale in an approved manufactured home subdivision shall qualify for this bonus provided the developer restricts the use of the lots to manufactured homes or other affordable housing for a period of at least ten years. (Added 3-5-86; Amended 10-3-07)~~

~~h. The decision to extend the periods beyond the ten year minimum provided in subsections (b), (c), (f) and (g) shall be in the sole discretion of the developer. (Added 10-3-07)~~

~~i. The occupancy of the affordable units shall be restricted to those households with incomes at or below 80 percent of the area median income for for-sale units and at or below 60 percent of the area median income for rental units. The chief of housing or his designee must approve all purchasers of for-sale units based on household income. Prior to issuance of the first certificate of occupancy for a building providing affordable rental units, the developer shall enter into a rental rate agreement with the county, approved by the county attorney, that delineates the terms and conditions pertaining to rental rates, occupancy and reporting during the minimum ten-year period. (Added 10-3-07)~~

(§ 14.4.3, 12-10-80; 8-14-85; 3-5-86; Ord. 07-18(2) , 10-3-07)

~~**Sec. 14.4.4 The cumulative effect of density factors above may not exceed 50 percent. (Amended 8-14-85)**~~

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SECTION 15 - Residential – R-4

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Sec. 15.4 Bonus factors. (Reference 2.4)

Sec. 15.4.1 Environmental standards.

Environmental standards bonus factors will be applied to the gross density-standard level in accordance with the applicable regulations in Section 2.4.3.

~~For maintenance of existing wooded areas equal to: ten percent to 19 percent of the site, a density increase of five percent shall be granted; 20 percent or greater of the site, a density increase of ten percent shall be granted.~~

~~In order to qualify for this bonus, a conservation plan as specified in section 32.7.9 shall be required. (Amended 8-14-85; 9-9-92)~~

Sec. 15.4.2 Development standards.

Development standards bonus factors will be applied to the gross density-standard level in accordance with the applicable regulations in Section 2.4.4.

~~For dedication of land to public use not otherwise required by law, density may be increased as follows:~~

~~The acreage of the land dedicated and accepted shall be multiplied by twice the gross density standard level, and the resulting number of dwellings may be added to the site, provided that the density increase shall not exceed 15 percent. The dedication shall be accepted by the board of supervisors prior to final approval.~~

~~For provision of road improvements to secondary or primary roads not otherwise required by this ordinance or Chapter 14 of the Code of Albemarle, a density increase up to 20 percent shall be granted, to be agreed upon by the commission and the applicant, based upon the relative need for transportation improvements in the area. The need for such improvements shall be established by the Virginia Department of Highways and Transportation. (Amended 8-14-85)~~

Sec. 15.4.3 Affordable housing.

Affordable housing bonus factors will be applied to the gross density-standard level in accordance with the applicable regulations in Section 2.4.5.

~~For providing affordable housing units, a density increase of 30 percent shall be granted, subject to the following:~~

~~a. At least one-half of the additional housing units allowed by this density bonus shall be developed as affordable housing units. (Amended 10-3-07)~~

~~b. The initial sale price for sale units or the rental rate for a period of at least ten years for rental units shall qualify as affordable housing under either the Virginia Housing Development Authority, Farmers Home Administration or Housing and Urban Development housing choice voucher program. (Amended 10-3-07)~~

~~c. If rental units, the developer shall enter into an agreement with the County of Albemarle restricting the rental rates of the affordable units for a period of at least ten years or until the units are sold as affordable units, whichever comes first. (Amended 10-3-07)~~

~~d. If sale units, the developer shall provide the chief of housing with confirmation of the initial sale price for the affordable units prior to the issuance of building permits for the bonus units. (Amended 8-14-85; 10-3-07)~~

~~e. Manufactured homes for rent in an approved manufactured home park shall be considered rental units under this section provided they qualify as affordable housing under the Housing and Urban Development housing choice voucher program. (Added 3-5-86; Amended 10-3-07)~~

~~f. Manufactured home lots for rent in an approved manufactured home park shall qualify for this bonus provided the developer enters into an agreement with the County of Albemarle that the lots shall be available for rent to manufactured home owners for a period of at least ten years. (Added 3-5-86; Amended 10-3-07)~~

g. Manufactured home lots for sale in an approved manufactured home subdivision shall qualify for this bonus provided the developer restricts the use of the lots to manufactured homes or other affordable housing for a period of at least ten years. (Added 3-5-86; Amended 10-3-07)

h. The decision to extend the periods beyond the ten year minimum provided in subsections (b), (c), (f) and (g) shall be in the sole discretion of the developer. (Added 10-3-07)

i. The occupancy of the affordable units shall be restricted to those households with incomes at or below 80 percent of the area median income for for-sale units and at or below 60 percent of the area median income for rental units. The chief of housing or his designee must approve all purchasers of for-sale units based on household income. Prior to issuance of the first certificate of occupancy for a building providing affordable rental units, the developer shall enter into a rental rate agreement with the county, approved by the county attorney, that delineates the terms and conditions pertaining to rental rates, occupancy and reporting during the minimum ten-year period. (Added 10-3-07)

(§ 15.4.3, 12-10-80; 8-14-85; 3-5-86; Ord. 07-18(2) , 10-3-07)

Sec. 15.4.4 The cumulative effect of density factors above may not exceed 50 percent.

(Amended 8-14-85)

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SECTION 16 - Residential – R-6

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Sec. 16.4 Bonus factors. (Reference 2.4) (Amended 8-14-85)

Sec. 16.4.1 Environmental standards.

Environmental standards bonus factors will be applied to the gross density-standard level in accordance with the applicable regulations in Section 2.4.3.

For maintenance of existing wooded areas equal to: ten percent to 19 percent of the site, a density increase of five percent shall be granted; 20 percent or greater of the site, a density increase of ten percent shall be granted.

In order to qualify for this bonus, a conservation plan as specified in section 32.7.9 shall be required. (Amended 8-14-85; 9-9-92)

(§ 20-16.4.1, 12-10-80; 8-14-85; 9-9-92)

Sec. 16.4.2 Development standards.

Development standards bonus factors will be applied to the gross density-standard level in accordance with the applicable regulations in Section 2.4.4.

For dedication of land to public use not otherwise required by law, density may be increased as follows:

The acreage of the land dedicated and accepted shall be multiplied by twice the gross density-standard level, and the resulting number of dwellings may be added to the site, provided that the density increase shall not exceed 15 percent. The dedication shall be accepted by the board of supervisors prior to final approval.

For provision of road improvements to secondary or primary roads not otherwise required by this ordinance or Chapter 14 of the Code of Albemarle, a density increase up to 20 percent shall be granted, to be agreed upon by the commission and the applicant, based upon the relative need for transportation improvements in the area. The need for such improvements shall be established by the Virginia Department of Highways and Transportation. (Amended 8-14-85)

(§ 20-16.4.2, 12-10-80; 8-14-85)

Sec. 16.4.3 Affordable housing.

Affordable housing bonus factors will be applied to the gross density-standard level in accordance with the applicable regulations in Section 2.4.5.

~~For providing affordable housing units, a density increase of 30 percent shall be granted, subject to the following:~~

~~a. At least one-half of the additional housing units allowed by this density bonus shall be developed as affordable housing units.~~

~~b. The initial sale price for sale units or the rental rate for a period of at least ten years for rental units shall qualify as affordable housing under either the Virginia Housing Development Authority, Farmers Home Administration or Housing and Urban Development housing choice voucher program.~~

~~c. If rental units, the developer shall enter into an agreement with the County of Albemarle restricting the rental rates of the affordable units for a period of at least ten years or until the units are sold as affordable units, whichever comes first.~~

~~d. If sale units, the developer shall provide the chief of housing with confirmation of the initial sale price for the affordable units prior to the issuance of building permits for the bonus units.~~

~~e. Manufactured homes for rent in an approved manufactured home park shall be considered rental units under this section provided they qualify as affordable housing under the Housing and Urban Development housing choice voucher program.~~

~~f. Manufactured home lots for rent in an approved manufactured home park shall qualify for this bonus provided the developer enters into an agreement with the County of Albemarle that the lots shall be available for rent to manufactured home owners for a period of at least ten years.~~

~~g. Manufactured home lots for sale in an approved manufactured home subdivision shall qualify for this bonus provided the developer restricts the use of the lots to manufactured homes or other affordable housing for a period of at least ten years.~~

~~h. The decision to extend the periods beyond the ten year minimum provided in subsections (b), (c), (f) and (g) shall be in the sole discretion of the developer.~~

~~i. The occupancy of the affordable units shall be restricted to those households with incomes at or below 80 percent of the area median income for for-sale units and at or below 60 percent of the area median income for rental units. The chief of housing or his designee must approve all purchasers of for-sale units based on household income. Prior to issuance of the first certificate of occupancy for a building providing affordable rental units, the developer shall enter into a rental rate agreement with the county, approved by the county attorney, that delineates the terms and conditions pertaining to rental rates, occupancy and reporting during the minimum ten-year period.~~

(§ 20-16.4.3, 12-10-80; 8-14-85; 3-5-86; Ord. 07-18(2) , 10-3-07)

~~Sec. 16.4.4 The cumulative effect of density factors above may not exceed 50 percent.~~

~~(Amended 8-14-85)~~

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SECTION 17 - Residential – R-10

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Sec. 17.4 Bonus factors. (Reference 2.4)

~~(Amended 8-14-85)~~

Sec. 17.4.1 Environmental standards.

Environmental standards bonus factors will be applied to the gross density-standard level in accordance with the applicable regulations in Section 2.4.3.

~~For maintenance of existing wooded areas equal to: ten percent to 19 percent of the site, a density increase of five percent shall be granted; 20 percent or greater of the site, a density increase of ten percent shall be granted.~~

~~In order to qualify for this bonus, a conservation plan as specified in section 32.7.9 shall be required.~~

(§ 20-17.4.1, 12-10-80; 8-14-85; 9-9-92)

Sec. 17.4.2 Development standards.

Development standards bonus factors will be applied to the gross density-standard level in accordance with the applicable regulations in Section 2.4.4.

~~For dedication of land to public use not otherwise required by law, density may be increased as follows:~~

~~The acreage of the land dedicated and accepted shall be multiplied by twice the gross density standard level, and the resulting number of dwellings may be added to the site, provided that the density increase shall not exceed 15 percent. The dedication shall be accepted by the board of supervisors prior to final approval.~~

~~For provision of road improvements to secondary or primary roads not otherwise required by this ordinance or Chapter 14 of the Code of Albemarle, a density increase up to 20 percent shall be granted, to be agreed upon by the commission and the applicant, based upon the relative need for transportation improvements in the area. The need for such improvements shall be established by the Virginia Department of Highways and Transportation.~~

(§ 20-17.4.2, 12-10-80; 8-14-85)

Sec. 17.4.3 Affordable housing.

Affordable housing bonus factors will be applied to the gross density-standard level in accordance with the applicable regulations in Section 2.4.5.

~~For providing affordable housing units, a density increase of 30 percent shall be granted, subject to the following:~~

~~a. At least one-half of the additional housing units allowed by this density bonus shall be developed as affordable housing units.~~

~~b. The initial sale price for sale units or the rental rate for a period of at least ten years for rental units shall qualify as affordable housing under either the Virginia Housing Development Authority, Farmers Home Administration or Housing and Urban Development housing choice voucher program.~~

~~c. If rental units, the developer shall enter into an agreement with the County of Albemarle restricting the rental rates of the affordable units for a period of at least ten years or until the units are sold as affordable units, whichever comes first.~~

~~d. If sale units, the developer shall provide the chief of housing with confirmation of the initial sale price for the affordable units prior to the issuance of building permits for the bonus units.~~

~~e. Manufactured homes for rent in an approved manufactured home park shall be considered rental units under this section provided they qualify as affordable housing under the Housing and Urban Development housing choice voucher program.~~

~~f. Manufactured home lots for rent in an approved manufactured home park shall qualify for this bonus provided the developer enters into an agreement with the County of Albemarle that the lots shall be available for rent to manufactured home owners for a period of at least ten years.~~

~~g. Manufactured home lots for sale in an approved manufactured home subdivision shall qualify for this bonus provided the developer restricts the use of the lots to manufactured homes or other affordable housing for a period of at least ten years.~~

~~h. The decision to extend the periods beyond the ten year minimum provided in subsections (b), (c), (f) and (g) shall be in the sole discretion of the developer.~~

~~i. The occupancy of the affordable units shall be restricted to those households with incomes at or below 80 percent of the area median income for for-sale units and at or below 60 percent of the area median income for rental units. The chief of housing or his designee must approve all purchasers of for-sale units based on~~

household income. Prior to issuance of the first certificate of occupancy for a building providing affordable rental units, the developer shall enter into a rental rate agreement with the county, approved by the county attorney, that delineates the terms and conditions pertaining to rental rates, occupancy and reporting during the minimum ten-year period.

(§ 20-17.4.3, 12-10-80; 8-14-85; 3-5-86; Ord. 07-18(2) , 10-3-07)

Sec. 17.4.4 The cumulative effect of density factors above may not exceed 50 percent.

(§ 20-17.4.4, 12-10-80; 8-14-85)

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SECTION 18 - Residential – R-15

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Sec. 18.4 Bonus factors. (Reference 2.4) (Amended 8-14-85)

Sec. 18.4.1 Environmental standards.

Environmental standards bonus factors will be applied to the gross density-standard level in accordance with the applicable regulations in Section 2.4.3.

For maintenance of existing wooded areas equal to: ten percent to 19 percent of the site, a density increase of five percent shall be granted; 20 percent or greater of the site, a density increase of ten percent shall be granted.

In order to qualify for this bonus, a conservation plan as specified in section 32.7.9 shall be required.

(§ 20-18.4.1, 12-10-80; 8-14-85; 9-9-92)

Sec. 18.4.2 Development standards.

Development standards bonus factors will be applied to the gross density-standard level in accordance with the applicable regulations in Section 2.4.4.

For dedication of land to public use not otherwise required by law, density may be increased as follows:

The acreage of the land dedicated and accepted shall be multiplied by twice the gross density standard level, and the resulting number of dwellings may be added to the site, provided that the density increase shall not exceed 15 percent. The dedication shall be accepted by the board of supervisors prior to final approval.

For provision of road improvements to secondary or primary roads not otherwise required by this ordinance or Chapter 14 of the Code of Albemarle, a density increase up to 20 percent shall be granted, to be agreed upon by the commission and the applicant, based upon the relative need for transportation improvements in the area. The need for such improvements shall be established by the Virginia Department of Highways and Transportation.

(§ 20-18.4.2, 12-10-80; 8-14-85)

Sec. 18.4.3 Affordable housing.

Affordable housing bonus factors will be applied to the gross density-standard level in accordance with the applicable regulations in Section 2.4.5.

For providing affordable housing units, a density increase of 30 percent shall be granted, subject to the following:

a. At least one-half of the additional housing units allowed by this density bonus shall be developed as affordable housing units.

b. The initial sale price for sale units or the rental rate for a period of at least ten years for rental units shall qualify as affordable housing under either the Virginia Housing Development Authority, Farmers Home Administration or Housing and Urban Development housing choice voucher program.

c. If rental units, the developer shall enter into an agreement with the County of Albemarle restricting the rental rates of the affordable units for a period of at least ten years or until the units are sold as affordable units, whichever comes first.

d. If sale units, the developer shall provide the chief of housing with confirmation of the initial sale price for the affordable units prior to the issuance of building permits for the bonus units.

e. Manufactured homes for rent in an approved manufactured home park shall be considered rental units under this section provided they qualify as affordable housing under the Housing and Urban Development housing choice voucher program.

f. Manufactured home lots for rent in an approved manufactured home park shall qualify for this bonus provided the developer enters into an agreement with the County of Albemarle that the lots shall be available for rent to manufactured home owners for a period of at least ten years.

g. Manufactured home lots for sale in an approved manufactured home subdivision shall qualify for this bonus provided the developer restricts the use of the lots to manufactured homes or other affordable housing for a period of at least ten years.

h. The decision to extend the periods beyond the ten year minimum provided in subsections (b), (c), (f) and (g) shall be in the sole discretion of the developer.

i. The occupancy of the affordable units shall be restricted to those households with incomes at or below 80 percent of the area median income for for-sale units and at or below 60 percent of the area median income for rental units. The chief of housing or his designee must approve all purchasers of for-sale units based on household income. Prior to issuance of the first certificate of occupancy for a building providing affordable rental units, the developer shall enter into a rental rate agreement with the county, approved by the county attorney, that delineates the terms and conditions pertaining to rental rates, occupancy and reporting during the minimum ten-year period.

(§ 18.4.3, 12-10-80; 8-14-85; 3-5-86; Ord. 07-18(2) , 10-3-07)

Sec. 18.4.4 The cumulative effect of density factors above may not exceed 33 percent.

(§ 20-18.4.4, 12-10-80; 8-14-85)