CODE OF DEVELOPMENT

FOR

ZMA 2020-00005

# OLD DOMINION VILLAGE

TMP 05600-00-00-067B0
1263 PARKVIEW DRIVE
&
TMP 05600-00-00-074A0
5258 THREE NOTCH'D ROAD

CURRENT ZONING
RA - RURAL AREAS

PROPOSED ZONING
NEIGHBORHOOD MODEL - NMD

DATE: May 18, 2020
REV: November 9, 2020
REV: March 29, 2021
REV: August 9, 2021
REV: November 19, 2021

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 05600-00-00-067B0 and 05600-00-00-074A0, both properties are located in the Crozet development area. 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)

**Table A: Uses by Block (“BR” = By-Right, “SP” = Special Permit, “N” = Not Permitted)**

| | BLOCK 1 | BLOCK 2 | BLOCK 3 | BLOCK 4 | BLOCK 5 | BLOCK 6 | BLOCK 7 | BLOCK 8 | BLOCK 9 | BLOCK 10 |
|---|---|---|---|---|---|---|---|---|---|---|
| **USE** | **Commercial** | **Residential** | **Residential** | **Residential** | **Residential** | **Residential** | **Residential** | **Residential** | **Residential** | **Residential** |
| **Residential** | | | | | | | | | | |
| Single Family Detached | N | N | N | N | N | N | BR | N | N | N |
| Single Family Attached (See Note 4) | N | BR | BR | BR | BR | BR | N | BR | BR | BR |
| Home occupation, Class A, where the district includes residential uses | N | BR | BR | BR | BR | BR | BR | BR | BR | BR |
| **Non- Residential** | | | | | | | | | | |
| Veterinary Office and Hospital | BR | N | N | N | N | N | N | N | N | N |
| Offices, including Medical, Dental and Optical | BR | N | N | N | N | N | N | N | N | N |
| Country Store (See Note 5) | BR | N | N | N | N | N | N | N | N | N |
| Child Day Center | BR | N | N | N | N | N | N | N | N | N |
| Private School | BR | N | N | N | N | N | N | N | N | N |
| Accessory uses and buildings including storage buildings | BR | BR | BR | BR | BR | BR | BR | BR | BR | BR |
| Temporary construction headquarters and temporary construction storage yards | BR | BR | BR | BR | BR | BR | BR | BR | BR | BR |
| Group homes, where the district includes residential uses | BR | N | N | N | N | N | N | N | N | N |
| Public Uses | BR | BR | BR | BR | BR | BR | BR | BR | BR | BR |
| Farmer’s markets | BR | N | N | N | N | N | N | N | N | N |
| Water, sewer, energy and communications distribution facilities | BR | BR | BR | BR | BR | BR | BR | BR | BR | BR |

Notes to Table A:

1. Section 5.1.11-commercial kennel, veterinary service, office or hospital, animal hospital, animal shelter.
   Each commercial kennel, veterinary service, office or hospital, animal hospital, animal shelter shall be subject to the following.
   a. Except where animals are confined in soundproofed, air-conditioned buildings, no structure or area occupied by animals shall be closer than 500 feet to any agricultural or residential lot line. For non-soundproofed animal confinements, an external solid fence not less than six feet in height shall be located within 50 feet of the animal confinement and shall be composed of concrete block, brick, or other material approved by the zoning administrator.
   b. For soundproofed confinements, no such structure shall be located closer than 200 feet to any agricultural or residential lot line. For soundproofed and non-soundproofed confinements, sound measured at the nearest agricultural or residential property line shall not exceed 55 decibels.
   c. In all cases, animals shall be confined in an enclosed building from 10:00 p.m. to 6:00 a.m.
   d. In areas where such uses may be in proximity to other uses involving intensive activity such as shopping centers or other urban density locations, special attention is required to protect the public health and welfare. To these ends the commission and board may require among other things. Separate building entrance and exit to avoid animal conflicts. Area for outside exercise to be exclusive from access by the public by fencing or other means.

2. The Project must contain at least two housing types with two parking spaces per Dwelling. Parking for Dwellings shall be one space in driveway and one space in garage. Additional on-street parking for visitors shall be provided.

3. The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit as a use by-right, a use not specifically permitted; provided that such use shall be similar to uses permitted by-right in general character and more specifically, similar to uses permitted by-right in general character and more specifically, similar in terms of location requirements, operational characteristics, visual impact and traffic generation.

4. Semi-detached and attached single-family dwellings such as two-family dwellings, triplexes, quadraplexes, and townhouses, provided that density is maintained, and provided further that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall.

5. Country Store means a store whose primary use is to offer for sale a wide variety of retail merchandise. Country Store shall not be subject to the regulations of 5.1.45.

## II. Development Acreage Proposed and Residential Density (Section 20A.5b and c)

**Table B: Density, Housing Type and Non-Residential Use by Block**

| | BLOCK 1 | BLOCK 2 | BLOCK 3 | BLOCK 4 | TOTAL UDR | PROP. DENSITY (units/acre) | ALLOWABLE DENSITY (units/acre) | BLOCK 5 | BLOCK 6 | BLOCK 7 | BLOCK 8 | BLOCK 9 | BLOCK 10 | TOTAL NDR | PROP. DENSITY (units/acre) | ALLOWABLE DENSITY (units/acre) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Commercial | Residential | Residential | Residential | ____ | ____ | ____ | Residential | Residential | Residential | Residential | Residential | Residential | ____ | ____ | ____ |
| Block Area (Acres) | 0.90 | 0.40 | 0.71 | 1.32 | 4.52 (2) | ____ | ____ | 0.20 | 0.22 | 2.00 | 0.48 | 0.33 | 0.36 | 9.35 (3) | ____ | ____ |
| Min Allowable Units | NA | 5 | 8 | 14 | 27 | 6 | 6 | 3 | 4 | 10 | 4 | 3 | 4 | 28 | 3 | 3 |
| Max Allowable Units | NA | 10 | 12 | 32 | 54 | 12 | 12 | 6 | 8 | 16 | 12 | 7 | 7 | 56 | 6 | 6 |
| Min Non-Residential Use Gross Floor Area (SF) | 3,171 | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA |
| Max Non-Residential Use Gross Floor Area (SF) | 5,000 | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA |

Notes to Table B:

1. The proposed development meets the future land use plan recommendations for Urban Density Residential (UDR) and Neighborhood Density Residential (NDR) as shown on the Crozet Comprehensive Use Plan. Refer to Project Narrative for minimum and maximum allowable unit calculations for UDR and NDR.
2. The 4.52 acres of UDR does not include any Greenspace, Flood Hazard Overlay that lies outside of Greenspace, or Preserved Steep Slopes that lie outside of Greenspace. Net area is 4.52 acres.
    a. UDR Net Density Range: (6-12 Units/Acre) * 4.52 Acres = 27 Units (min) to 54 Units (max)
3. The 10.23 Acres of NDR does not include any Greenspace or Flood Hazard Overlay that lies outside of Greenspace. It does include 0.88 Acres of Preserved Steep Slopes that lie outside of Greenspace. Net area is 10.23 Acres – 0.88 Acres = 9.35 Acres.
    a. NDR Net Density Range: (3-6 Units/Acre) * 9.35 Acres = 28 Units (min) to 56 Units (max)
4. Combined Net Unit Range: 55 Units (min) to 110 Units (max).
5. The proposed 110 units is within the Combined Net Unit Range.
6. Gross residential density: 110 Units / 23.68 Acres = 4.64 Units / Acre.

| BLOCK | USE | AREA (ACRES) |
|---|---|---|
| 1 | COMMERCIAL | 0.90 |
| 2 | TOWNHOUSES | 0.40 |
| 3 | TOWNHOUSES | 0.71 |
| 4 | TOWNHOUSES | 1.32 |
| 5 | TOWNHOUSES | 0.20 |
| 6 | TOWNHOUSES | 0.22 |
| 7 | SINGLE FAMILY DETACHED | 2.00 |
| 8 | TOWNHOUSES | 0.48 |
| 9 | TOWNHOUSES | 0.33 |
| 10 | TOWNHOUSES | 0.36 |
| | TOTAL: | 6.92 |

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

**Table C. Amenities, Green Space, and Civic Areas**

| | Amenity Area Acreage | Amenity Area % | Amenities | Green Space Acreage | Green Space % | Green Space Elements | Amenity & Green Space % |
|---|---|---|---|---|---|---|---|
| **Amenity 1** | 0.59 | | Dog Park, Tree Buffer | | | | |
| **Amenity 2** | 4.06 | | Recreation space, Pedestrian Path, Tot Lot 2 with slides. Swings and climbing features. | | | | |
| **Amenity 3** | 0.65 | | Recreation space, Tot Lot 1 with slides, swings, and climbing features. | | | | |
| **Green Space 1** | | | Future Greenway | 5.74 | | WPO Buffer | |
| **Green Space 2** | | | Future Greenway | 2.06 | | WPO Buffer | |
| **Green Space 3** | | | | 0.30 | | SWM/BMP Facility | |
| **Green Space 4** | | | | 0.05 | | Tree Buffer | |
| **TOTAL** | 5.30 | 22.3% | | 8.21 | 34.7% | | 57.1% |

Notes to Table C:

1. Total area of the property is 23.68 Acres.
2. Total area of amenities is 5.30 Acres (22.3%).
3. Total area of greenspace is 8.21 Acres (34.7%).
4. Total area of development is 10.17 acres (43.0%).
5. Section 4.16 of the Zoning Ordinance shall apply to all recreational facilities and shall be assessed at the site plan stage of development.
6. Amenities shall be reviewed and approved as part of the Site Plan approval Process.
7. All amenities shall be owned by the HOA.

DEVELOPMENT AREA SUMMARY:

| | |
|---|---|
| COMMERCIAL/RESIDENTIAL ..... | 6.92 ACRES |
| RIGHT-OF-WAY & ACCESS EASMENT..... | 3.25 ACRES |
| AMENITIES ..... | 5.30 ACRES |
| GREEN SPACE | 8.21 ACRES |
| TOTAL ..... | 23.68 ACRES |

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

| Table D: Building height, Setbacks, Lot Areas. Parking | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | **BLOCK 1** | **BLOCK 2** | **BLOCK 3** | **BLOCK 4** | **BLOCK 5** | **BLOCK 6** | **BLOCK 7** | **BLOCK 8** | **BLOCK 9** | **BLOCK 10** |
| | **Commercial** | **SFA** | **SFA** | **SFA** | **SFA** | **SFA** | **SFD** | **SFA** | **SFA** | **SFA** |
| **Building Height** | | | | | | | | | | |
| **Stories** | 1 Min. - 2 Max. | 1 Min. - 3 Max. | 1 Min. - 3 Max. | 1 Min. - 3 Max. | 1 Min. - 3 Max. | 1 Min. - 3 Max. | 1 Min. - 3 Max. | 1 Min. - 3 Max. | 1 Min. - 3 Max. | 1 Min. - 3 Max. |
| **Height** | 25' | 35' | 35' | 35' | 35' | 35' | 35' | 35' | 35' | 35' |
| **Setbacks for Primary Structure** | | | | | | | | | | |
| **Front** | 0' Min. – 105' Max. | 15' Min. 20' Max. | 15' Min. 20' Max. | 15' Min. 20' Max. | 15' Min. 20' Max. | 15' Min. 20' Max. | 15' Min. 50' Max. | 15' Min. 20' Max. | 15’ Min. 20' Max. | 15' Min. 20' Max. |
| **Garage** | None | 17’ min | 17’ min | 17’ min | 17’ min | 17’ min | 17’ min | 17’ min | 17’ min | 17’ min |
| **Side** | 0’ Min.–30' Max. | 5' Min. | 5' Min. | 5' Min. | 5' Min. | 5' Min. | 5' Min. | 5' Min. | 5' Min. | 5' Min. |
| **Rear** | 0’ Min – 25’ Max | 10' Min. (No Max.) | 10' Min. (No Max.) | 10' Min. (No Max.) | 10’ Min. (No Max.) | 10' Min. (No Max.) | 10’ Min. (No Max) | 10' Min. (No Max.) | 10' Min. (No Max.) | 10' Min. (No Max.) |
| **Setbacks for Accessory Structures** | | | | | | | | | | |
| **Side** | 5’ Min | 5’ Min | 5’ Min | 5’ Min | 5’ Min | 5’ Min | 5’ Min | 5’ Min | 5’ Min | 5’ Min |
| **Rear** | 5’ Min | 5’ Min | 5’ Min | 5’ Min | 5’ Min | 5’ Min | 5’ Min | 5’ Min | 5’ Min | 5’ Min |
| **Residential Lot Area** | | | | | | | | | | |
| **Min Lot Area** | None. | None. | None. | None. | None. | None. | None. | None. | None. | None. |
| **Parking** | | | | | | | | | | |
| **Min Required** | 10 - 15, depending on net floor of building | 10-20, depending on unit count etc. | 16-24, depending on unit count etc. | 28-64, depending on unit count etc. | 6-12, depending on unit count etc. | 8-16, depending on unit count etc. | 20-32, depending on unit count etc. | 8-24, depending on unit count etc. | 6-14, depending on unit count etc. | 8-14, depending on unit count etc. |
| **Maximum Required** | **10 - 15** | **20** | **24** | **64** | **12** | **16** | **32** | **24** | **14** | **14** |

Notes to Table D:

1. Covered porches, balconies, chimneys, eaves and like architectural features may extend no more than 4’ into any setback, and must be at least six feet from any lot line.
2. There will be a 20’ dedicated Buffer Area along Route 240 for screening per Section 32.7.9.7.
3. There will be a 20’ Buffer Area along TMP 56-74 for screening per Section 32.7.9.7.
4. The number of required parking spaces shall be determined during the site plan phase of development depending on density, types of residential units, and commercial uses pursuant to Section 4.12.6.
5. A minimum of 1 parking space per 4 townhouses shall be provide for guest parking.

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

1. 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.

2. Residential structures in Blocks 2, 3, 4, 5, 6, 7, 8, 9, and 10 shall have driveway access from the internal public streets.

3. Residential structures in Blocks 4 and 5 shall be subject to ARB review and approval. The architectural design of the building facades facing Route 240 will be required to incorporate a level of detail appropriate to the location on the Entrance Corridor.

4. Screening trees shall be planted in a 20’ tree buffer along Route 240, and a 20’ tree buffer along the eastern boundary with TMP 56-74. Screening shall consist of double staggered row of mixed evergreen trees.

5. Street trees shall be deciduous at 40’ on center located in a 6’ landscape strip on each side of internal public streets per Section 32.7.9.5.

6. Frontage Improvements along Route 240 shall include 4’ bicycle lane, curb and gutter, deciduous street trees at 35’ on center located in a 6’ landscape strip (per Section 32.7.9.5), and 5’ wide sidewalk.

7. Transportation network, including vehicular and pedestrian facilities will be served by public roads and 5’ wide sidewalks on the internal streets.

8. All internal streets shall be public.

## VI. Supplementary Regulations – 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. Required number of Affordable Units = 110 Units * 0.15 = 16. There will be 20 Affordable Dwelling Units provided in Block 4.

2. For-Sale Affordable Dwelling Units.

   a. The Owner may meet the Affordable Housing Requirement by constructing Affordable Dwelling Units. For purposes of this Proffer 1(A), "Affordable Dwelling Unit" shall mean any unit affordable to households with incomes less than eighty percent (80%) of the area median income (as determined from time to time by the Albemarle County Office of Housing) in no event shall the selling price for such affordable units be more than sixty-five (65%) of the applicable federal HOME Investment Partnership Program (HOME) Homeownership Value Limits at the beginning of the 180-day period referenced in Proffer 1(A)(1) hereof (the "VHDA Limit"). The Owner shall impose by contract the responsibility herein of constructing and selling the Affordable Dwelling Units to any subsequent owner or developer of the Property (or any portion thereof). Such subsequent owner(s) and/or developer(s) shall succeed to the obligations of the Owner under this Proffer 1; and the term "Owner" shall refer to such subsequent owner(s) and/or developer(s), as applicable.

   b. All purchasers of the for sale Affordable Dwelling Units shall be approved by the Albemarle County Office of Housing or its designee (the "Office of Housing"). At the proposed time of construction of any Affordable Dwelling Unit, the Owner shall provide the Office of Housing a period of one hundred eighty (180) days to identify and approve an eligible purchaser for such affordable unit. The 180-day qualification period shall commence upon written notice from the Owner to the Office of Housing of the approximate date the Unit is expected to receive a certificate of occupancy from the County (the "Notice"). Such Notice shall be given no more than ninety (90) days prior to the expected issuance of the certificate of occupancy, and the 180-day approval period shall extend no less than ninety (90) days after the issuance of the certificate of occupancy. Nothing in this Proffer 1 shall prohibit the Office of Housing from providing the Owner with information on income eligibility sufficient for the Owner to identify eligible purchasers of Affordable Dwelling Units for approval by the Office of Housing. If, during the 180-day qualification period, (i) the Office of Housing fails to approve a qualified purchaser, (ii) a qualified purchaser fails to execute a purchase 'contract for an Affordable Dwelling Unit, or (iii) a local non-profit affordable housing provider does not purchase the unit, then, in any case, the Owner shall have the right to sell the Unit without any restriction on sales price or income of the purchaser(s), and such unit shall be counted toward the satisfaction of this Proffer 1. This Proffer 1 shall apply only to the first sale of each of the for-sale Affordable Dwelling Units. For the purposes of this Proffer 1, such Affordable Dwelling Units shall be deemed to have been provided when the subsequent Owner/builder provides written notice to the Albemarle County Office of Housing or its designee that the unit(s) will be available for sale.

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 less than or equal to sixty percent (60%) 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 Homeowners Association fees but does include an allowance for tenant-paid utilities. 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 ForRent 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 20% Affordable Housing Requirement. Such subdivision plat(s) or site plan(s) shall not be required to identify the method by which the 20% 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 twenty percent (20%) 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 20% 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 20% Affordable Housing Requirement.