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. This COD is specific to tax map parcels 56-91A, and 56E-2 and establishes the unifying design guidelines, specific regulations, and block characteristics within Montclair. The COD also provides certainty about the permitted uses, locations, and appearance of central features.



Revised 17 June 2022
Revised 07 March 2022
Revised 17 November 2021
Submitted 21 September 2020

Block Character Descriptions

Block 1

Block 1 consists of a substantial landscape buffer along Route 240 and features a mixture of unit types and sizes. Block 1 is proposed to contain the highest residential density in the Montclair NMD. The residential units are accessed by an established road network, providing the framework of short, walkable blocks and pockets of greenspace and amenity areas.

Block 2

Block 2 establishes the opportunity for neighborhood-scale commercial and residential uses. Neighborhood-scale commercial uses are dictated by this Code of Development, which include the provision for office space, restaurants, and retail services. Block 2 additionally extends east of tax map parcel 056E0-00-00-002A0, a site with an existing daycare facility. Because the Code of Development allows a daycare use in Block 2, there is an opportunity for the existing daycare facility to utilize this additional land in the NMD for future preschool expansion.

Block 3

Block 3 is a residential block, positioned furthest away from Route 240 and Park Ridge Drive. As Block 1 and 2 establish higher densities, additional commercial uses, and a variety of residential unit types and sizes, Block 3 is imagined to build-out larger units in the development, at a lower density. These units are anchored by a central greenspace and back up to protected environmental features in Block 4.

Block 4

Block 4 is comprised of the on-site stream buffer, a protected environmental feature, and is to be utilized as a community open space with passive recreational amenities.

TABLE A. Uses				
	BLOCK 1	**BLOCK 2**	**BLOCK 3**	**BLOCK 4**
RESIDENTIAL				See note 3 below
Single-family detached dwellings, attached single-family dwellings such as two-family dwellings, triplexes, quadruplexes, townhouses, and townhouses with accessory apartments	BR	BR	BR	
Multifamily	BR	BR	BR	
Group Homes	BR	BR	BR	
Boarding Houses	BR	BR	BR	
Home Occupation Class A	BR	BR	BR	
NON-RESIDENTIAL				
Family Day Home	BR	BR	BR	
Office	N	BR	N	
Light Industrial	N	N	N	
Retail Sales and Service	N	BR	N	
Barber, beauty shops	N	BR	N	
Health Spas	N	BR	N	
Child day centers (reference 5.1.06)	N	BR	N	
Tailor, seamstress	N	BR	N	
Restaurants	N	BR	N	
Financial Institutions	N	BR	N	
Religious Assembly Use	BR	BR	BR	

"BR" = "By-right"
"SP" = "Special Use Permit"
"N" = "Not Permitted"

	BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4
Hotel	N	BR	N	See note 3 below
Farmers' markets (reference §18-5.1.47)	N	N	N	
Car Washes	N	N	N	
Automobile, Truck Repair Shops	N	N	N	
Machinery and equipment sales, service, and rental	N	N	N	
Manufactured home and trailer sales and service	N	N	N	
Motor vehicle sales, service and rental	N	N	N	
Wholesale Distribution	N	N	N	
Sale of major recreational equipment and vehicles	N	N	N	
Storage Yards	N	N	N	
Drive-through windows	N	N	N	
Water, sewer, energy and communications distribution facilities	BR	BR	BR	
Accessory uses and buildings including storage buildings	BR	BR	BR	
Temporary construction headquarters and temporary construction storage yards (reference §18-5.1.18)	BR	BR	BR	
Temporary industrialized buildings (reference §18-5.8)	N	N	N	
Public Uses (reference §18-5.1.12)	BR	BR	BR	
Tier I and Tier II Personal wireless (reference §18-5.1.40)	BR	BR	BR	
Stand alone parking	N	N	N	

Notes to Table A:

1. A minimum of two housing types shall be provided in Montclair.
2. Hotel use is limited to no more than 20 guest rooms.
3. Permitted uses and activities in Block 4 shall comply with the Albemarle County Zoning Ordinance, Chapter 17, Article VI, Stream Buffers

"BR" = "By-right"
"SP" = "Special Use Permit"
"N" = "Not Permitted"

TABLE B. SQUARE FOOTAGE					
	BLOCK 1	**BLOCK 2**	**BLOCK 3**	**BLOCK 4**	**TOTAL**
MIN Non-Residential Square Footage	0	0	0	0	0
MAX Non-Residential Square Footage	0	16,500	0	0	16,500

TABLE C. RESIDENTIAL DENSITY					
	BLOCK 1	**BLOCK 2**	**BLOCK 3**	**BLOCK 4**	**TOTAL**
Approximate Block Area (AC)	8.16 (Gross) 6.68 (Net)	2.71	3.52	3.02	17.41
MIN Residential Units	40	8	10	-	58
MAX Residential Units	120	16	21	-	157
	80 units				
	40 bonus units[3]				
MAX Block Density (DUA)	14 (Gross) 17 (Net)	5	5	-	9 (Gross) 12 (Net)

Notes to Table C:
1. Total number of residential units in Montclair not to exceed 157.
2. Overall maximum residential density not to exceed 12 DUA in Montclair.
3. Bonus units shall be achieved through providing additional affordable housing, beyond the baseline affordability requirements, or through the construction of small-scale housing types; small-scale housing types include, but are not limited to, bungalow courts, small and medium multiplexes, accessory dwelling units, live/work units, small single family cottages, and tiny houses.

TABLE D. GREENSPACE & AMENITIES					
	BLOCK 1	**BLOCK 2**	**BLOCK 3**	**BLOCK 4**	**TOTAL**
Approximate Block Area (AC)	8.16	2.71	3.52	3.02	17.41
Amenity Area MIN SF	10,000	5,000	5,000	131,000	151,000
Amenity Area MIN %	2.8%	4.2%	3.3 %	100%	20%
Amenity Characteristics	Passive & active recreational opportunities; sitting garden, walking path, community garden	Passive & active recreational opportunities; sitting garden, central pocket park, walking path, multi-use path, community garden	Passive & active recreational opportunities; sitting areas, landscaping	Walking paths, bike paths, landscaping	
Green Space MIN SF	10,000	5,000	5,000	131,000	151,000
Green Space MIN %	2.8%	4.2%	3.3%	100%	20%
Green Space Characteristics	Grass/other vegetation, landscaped areas, required yards, community garden, sitting garden, landscape buffer	Grass/other vegetation, landscaped areas, required yards, community garden, sitting garden, landscape buffer	Grass/other vegetation, landscaped areas, required yards	Vegetative Buffer, stream	

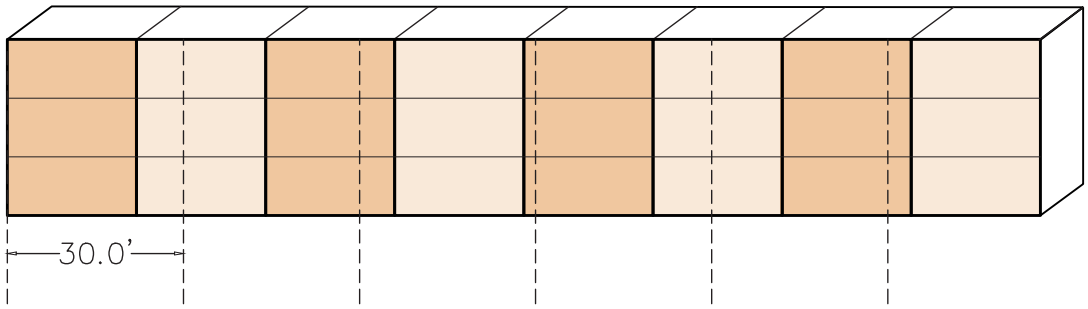
Notes to Table D:
1. Multi-use path improvements dedicated to public right-of-way may count towards the minimum amenity square footage requirements in Blocks 1 and 2.
2. Amenities explicitly listed in each block provide an overview of potential amenity improvements. This list is not exhaustive and final amenities will be determined at site plan.
3. Per Section 3.1 of the Albemarle County Zoning Ordinance, uses in green space may include, but are not limited to, stormwater areas, wooded slopes, graded & revegetated slopes of 25% to 50%, required yards on both residential & non-residential lots, landscaped areas, landscaped islands in parking lots, and other land covered in vegetation. Where areas for amenities are vegetated, amenities, such as in parks and playgrounds, shall be included in required greenspace calculations.

TABLE D1. RECREATIONAL EQUIPMENT & FACILITIES ALTERNATIVES	
Section 4.16.2 Minimum Facilities	Alternative Facilities
Minimum 2,000 sq. ft. tot lot	• Natural Playscape (≥ 2000 sq. ft.) • Community Gardens • Pedestrian Trails • Bike Trails
1/2 basketball court	• Active Recreation Areas • Picnic Shelter • Bocce Ball Court

Notes to Table D1:
1. The alternative equipment & facilities provided are non-exhaustive and are meant to provide a general framework for potential equipment & facilities substitutions that may be pursued at site plan.

Architectural Standards (Sections 20A.5g)

Form, Massing, and Proportion of Structures	Maximum Facade Segment Length	No building facade[1] may extend for more than 30', measured horizontally, without a physical break or visual break in the plane of the facade
	Permitted Options for Articulating a Facade	Physical breaks in the plane of the facade (such as wall recesses and vertical and horizontal projections)
		Visual breaks in the plane of the facade, including material changes, texture changes, and detailing
		Roofline breaks, balconies, arcades, awnings, and canopies
Facade Treatments	Visibly discernible stories shall be achieved through the use of windows and/or building entries on each story, using varied building materials, special ground-floor design treatments, and other facade elements or other architectural details	
Building Facades in Blocks 1 & 2	Building facades facing Route 240 and Park Ridge Drive in Blocks 1 & 2 shall be designed as front building facades unless a landscape screening buffer is provided in accordance with §18-32.7.9.7.	
Prohibited Building Facade Materials	Aluminum siding, vinyl siding, unfinished/untreated wood siding	
Notes to Architectural Standards: 1. 'Building facade' shall pertain to a series of attached structures or one singular structure.		



Maximum 30' of horizontal length of building facade before a physical break or visual break in the plane of the facade

TABLE E. LOT & BUILDING REGULATION				
	BLOCK 1	**BLOCK 2**	**BLOCK 3**	**BLOCK 4**
Building Height				
Stories	1 Min - 3 Max	1 Min - 3 Max	1 Min - 3 Max	-
Height	45’	45’	45’	-
Building Footprint (MAX)				
Residential	1,500 SF	2,000 SF	2,500 SF	-
Non-Residential + Mixed Use	-	-	-	-
Setbacks				
Front	5’ Min	5’ Min	5’ Min	-
Side	5’ Min	5’ Min	5’ Min	-
Rear	5’ Min	10’ Min	10’ Min	-

Notes to Table E:
1. Side setbacks apply unless the building shares a common wall
2. Front setbacks shall be measured from the edge of the right-of-way or the exterior edge of the sidewalk, if the sidewalk is outside of the right-of-way.
3. Building separation shall comply with all applicable USBC regulations & Section 4.11 of the Zoning Ordinance.
4. Minimum and maximum building story ranges provided are for above grade stories.
5. Accessory structures shall be a minimum of 5’ from property lines.

Figure 4



Parking Areas (Section 20A.5i(8))

Parking shall be generally located as shown in Figure 4. Relegated parking from Route 240 and Park Ridge Drive are key design elements of the parking program shown in Figure 4.

Parking, stacking, and loading shall be provided in accordance with Section 4.12 of Chapter 18 of the Albemarle County Code except that the location of required parking may be provided on-site off-street, on-street, or in a parking lot so long as the minimum number of parking spaces is provided within the NMD. Any off-site parking space provided must be within 350' of the building or area containing the use affiliated with the parking area to contribute to the minimum parking requirement.

Landscape Treatments (Section 20A.5h)

Landscaping and screening shall be provided in accordance with Section 32.7.9 of the Albemarle County Code. Plantings may be provided in the Virginia Department of Transportation right-of-way only as permitted by VDOT. Both evergreen and deciduous trees and shrubs of varying sizes will create a natural buffer along the Route 240 frontage and will be subject to Architectural Review Board approval. The Route 240 buffer shall be 100' in width, measured from the Route 240 edge of pavement.

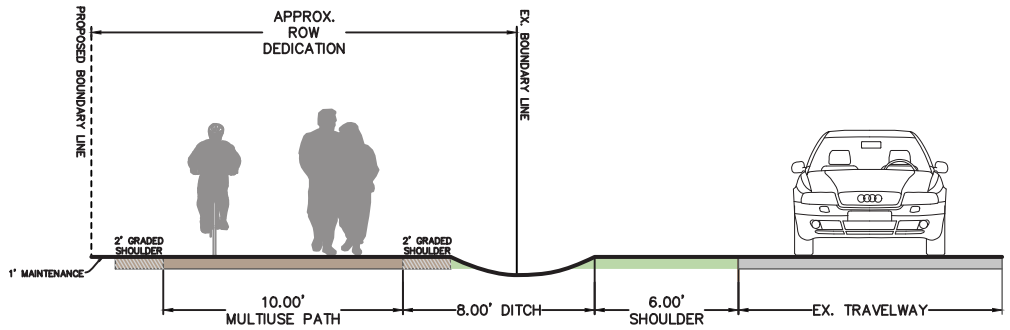
Dumpsters and Dumpster Pads on the Property shall be screened pursuant to Section 4.12.19 of the Zoning Ordinance.

Sidewalks & Pedestrian Paths (Section 20A.5i(5))

Sidewalks and pedestrian paths shall be generally located per the Application Plan associated with this ZMA. Exact location of sidewalks and pedestrian paths will be determined at site plan.

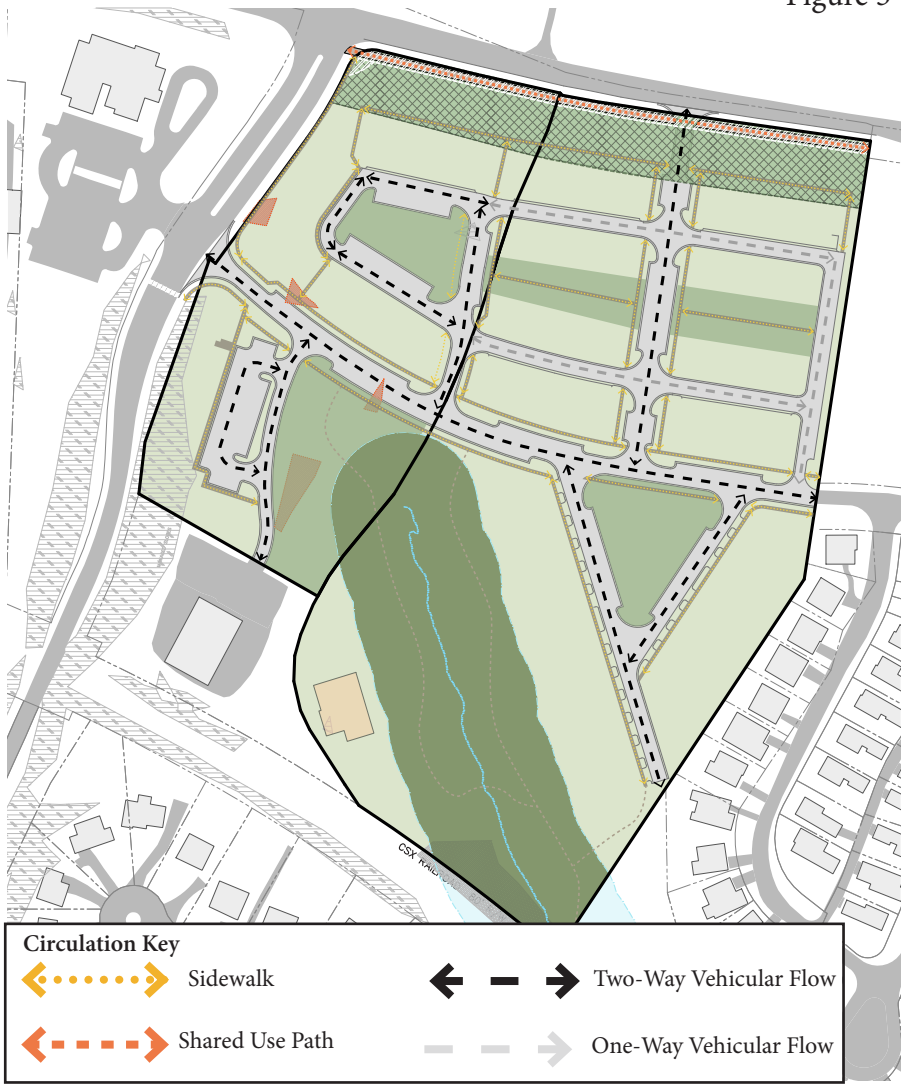
Sidewalks within the NMD must be constructed, at minimum, to VDOT standards. Sidewalks will be located generally as shown in Figure 5 of this Code of Development and as provided for in the Application Plan however, final sidewalk locations will be determined at site plan. Modifications to general sidewalk locations may be pursued at site plan so long as pedestrian connections providing comparable connectivity to the connections shown in Figure 5 are provided. The "comparable connectivity" of any modifications to the general location of sidewalk connections shown in Figure 5 shall be determined by the Director of Planning or its designee. In addition to the general locations shown in Figure5 sidewalks will be constructed to provide safe and convenient pedestrian connections between parking areas and building entrances.

Figure 6[1]



1. Source: VDOT Road Design Manual, Appendix A(1): VDOT Complete Streets: Bicycle & Pedestrian Facility Guidelines, Bus Stop Design & Parking Guidelines, (A(1)-24, 26)

Figure 5[1]



1. Access to eastern portion of Block 2 to be provided through adjacent parcel, TMP 56E-2A

Revised 17 June 2022
Revised 07 March 2022
Revised 17 November 2021
Submitted 21 September 2020

AFFORDABLE HOUSING

15% of the total residential dwelling units built within areas designated for residential use 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.

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 (PITI) do not exceed thirty percent (30%) of the gross household income. 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 ninety (90) 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.

For-Rent Affordable Dwelling Units:

1.) 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").

2.) 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.

3.) 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.

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.