ZMA2022-00006, 999 Rio Road, Code of Development

The following is a Code of Development ("COD") drafted in accordance with Section 20A.5 of Chapter 18 of the Code of Albemarle, Virginia and specific to tax map parcel 06100-00-00-154B0. This Code of Development establishes the unifying design guidelines, specific regulations and block characteristics. The COD also provides certainty about the permitted uses, locations and appearance of central features.

I. Table of Uses by Block (Section 20A.5a)

The table below establishes the permitted and prohibited uses by block.
"BR" = By-Right, "SP" = Special Permit, "N" = Not Permitted

Table A. Uses: Block 1 – By Right, by Special Permit, and Not Permitted	
Residential	
Single Family Detached	BR
Single Family Attached	BR
Multifamily	BR
Accessory Uses	BR
Non- Residential	
Retail (Neighborhood, Community & Regional)	N
General Commercial Service	N
Auto Commercial Sales & Service	N
Office/R&D	N
Flex	N
Light Manufacturing / Storage / Distribution	N
Heavy Manufacturing / Storage / Distribution	N
Warehousing / Distribution	N
Institutional	N
Stand-alone parking and parking structures	BR
Electric, gas, oil & communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service + owned and operated by a public utility. Water distribution / sewerage collection lines, pumping stations and appurtenances owned and operated by the ACSA. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with all applicable law.	BR
Temporary construction uses	BR
Public uses & buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (31.2.5); public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations etc., RWSA owned and/or operated.	BR
SWM facilities shown on an approved final site plan or subdivision plat.	BR
Tier I and Tier II personal wireless service facilities.	BR
Accessory Uses & Buildings including home occupation, Class A & storage.	BR

Notes to Table A:

1. 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 whether such use is permitted must be officially determined by the Zoning Administrator.

2. Stand-alone parking and parking structures shall be subject to screening regulations and other restrictions outlined in Section 4.12.

3. The Project must contain at least two housing types.

II. Development Square Footage Proposed and Residential Density (Section 20A.5b and c)

Table B. Block 1 – Density, Housing Type and Non-Residential Use

Approximate Block Size	MIN Dwelling Units	MAX Dwelling Units	MAX Block Gross Density	Permitted Housing Types	MIN Non-Residential SF	MAX Non-Residential SF
83,548 SF (1.918 acre)	10	38	20 DUA	Multifamily, Single Family Attached. Single Family Detached, Two-Family Attached	0	0

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

Table C. Block 1 – Minimum Green Space, Civic Areas, and Amenities

Amenity Area MIN SF	Amenity Area %	Amenities	Green Space MIN SF	Green Space %	Green Space Elements	Amenity & Green Space %
16,962	20% (16,710 of 83,548 total SF)	Sidewalk, Courtyard with Landscaping and Seating, Dog Park, Natural Playscape & Other Designed Landscaping	16,962	20% (16,710 of 83,548 total SF)	Sidewalk, Courtyard with Landscaping and Seating, Dog Park, Natural Playscape & Other Designed Landscaping	20%

Notes to Table C:

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

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

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

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

Table D. Block 1 – Lot and Building Regulations	
Building Height	
Stories	1 Min. - 3 Max.
Height	35'
Setbacks	
Front	3' Min. – 40' Max.
Side	3’ Min.–15' Max.
Rear	3' Min. (No Max.)
Stepbacks	None.
Other	
Lot Size (Min. or Max.)	None.
Residential Units Allowable	10 Min. - 38 Max.
Residential Unit Type	Single Family Detached, Single Family Attached, Two-Family Attached, Multifamily
Parking	
MIN Required	15 - 62+, depending on unit count etc.

Notes to Table D:

1. Porches, eaves and awnings shall be considered part of the structure and shall not extend closer to the street than the required setbacks.

2. The precise number of minimum required parking spaces shall be determined at the site plan phase of development depending on density and types of residential units pursuant to 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.

3. Minimum building separation shall be required per Section 4.11 of the Zoning Ordinance.

4. Pursuant to Section 32.7.9.7, parking areas shall be screened as applicable.

5. Dumpsters and Dumpster Pads on the Property shall be screened pursuant to Section 4.12.19.

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.

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

3. For-Rent Affordable Dwelling Units.

    a. **Rental Rates**. The net rent for each rental housing unit which shall qualify as an Affordable Dwelling Unit ("For-Rent Affordable Dwelling Unit") shall not exceed HUD's affordability standard of thirty percent (30%) of the income of a household making eighty percent (80%) of the area median income (as determined by HUD from time to time). In each subsequent calendar year, the monthly net rent for each

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

b. **Conveyance of Interest**. All deeds conveying any interest in the For-Rent Affordable Dwelling Units during the Affordable Term shall contain language reciting that such unit is subject to the terms of this Section. In addition, all contracts pertaining to a conveyance of any For-Rent Affordable Dwelling Unit, or any part thereof, during the Affordable Term shall contain a complete and full disclosure of the restrictions and controls established by this Section. At least thirty (30) days prior to the conveyance of any interest in any For-Rent Affordable Dwelling Unit during the Affordable Term, the then-current Owner shall notify the County in writing of the conveyance and provide the name, address and telephone number of the potential grantee, and state that the requirements of this Section have been satisfied.

c. **Reporting Rental Rates**. During the Affordable Term, within thirty (30) days of each rental or lease term for each For-Rent Affordable Dwelling Unit, the Applicant or its successor shall provide to the Housing Office a copy of the rental or lease agreement for each such unit rented that shows the rental rate for such unit and the term of the rental or lease agreement. In addition, during the Affordable Term, the Applicant or its successor shall provide to the County, if requested, any reports, copies of rental or lease agreements, or other data pertaining to rental rates as the County may reasonably require.

4. Tracking. Each subdivision plat and site plan for land within the Property shall designate lots or units, as applicable, that will satisfy the 15% Affordable Housing Requirement. Such subdivision plat(s) or site plan(s) shall not be required to identify the method by which the 15% Affordable Housing Requirement will be satisfied. The aggregate number of such lots or units designated for affordable units within each subdivision plat or site plan shall constitute a minimum of fifteen percent (15%) of the lots or units in such subdivision plat or site plan, unless such subdivision plat or site plan does not contain any residential uses. The Applicant, at the Applicant's option, may accelerate the provision of affordable units ahead of the 15% Affordable Housing Requirement and shall be entitled to receive credit on future subdivision plat(s) or site plan(s) for any such units provided beyond the 15% Affordable Housing Requirement.