1193 Seminole Trail

Code of Development

ZMA 2023-0001

February 20, 2023
Revised September 18, 2023
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CODE OF DEVELOPMENT

The following is a Code of Development drafted in accordance with Section 20A.5 of Chapter 18 of the Code of Albemarle County, Virginia and specific to tax map parcels 061W0-02-0A-00200 (the "Property"). This Code of Development establishes the unifying design guidelines, specific regulations, permitted uses, required amenities and green space, and block characteristics.

I. PROPOSAL SUMMARY

Proposal

RMD Properties, LLC (the "Applicant") proposes to rezone the Property from C1 Commercial to Neighborhood Model District (NMD) with small retail/commercial space and multi-family apartments (the "Project"). This Code of Development, along with the Application Plan establishes the regulations regarding the uses including greenspace, density, form, and non-residential and residential uses.

II. CHARACTERISTICS AND LAND USE REGULATIONS

The Application Plan identifies two blocks within the Project, Block A and Block B. Both Block A and Block B have the flexibility to contain a mixture of uses, however it is anticipated that Block A will consist of non-residential uses, and Block B will consist of residential multi-family uses. The Application Plan identifies vehicular and pedestrian locations and connections, parking, general uses within the building, amenity and green spaces, and interconnectivity. See Tables A, B, C, and D for uses, density, form, and parking regulations.

Table A below establishes the permitted uses for the Property. Any use not identified in the table can be established by a determination by the Zoning Administrator pursuant to County Code § 18-8.5.5.2(c)(1).

The parking information within this Code of Development will supersede Section 4.12 of the Zoning Ordinance. The Applicant manages a large number of multi-family residences throughout the Country and has found that the number of parking needed in this type of development does not align with the requirements of the Albemarle County Zoning Ordinance. Parking will be provided in a parking structure within the building. The amount and demand provided has been calculated based on accepted standards and methodologies as published in the Institute of Transportation Engineer's Parking Generation Reports. Overabundance of parking results in adverse effects and is counter to other Albemarle County land use policies such as the adopted Climate Action Plan and Storm Water Management regulations and goals.

In addition to the vehicular parking, the development will include bike racks as well as secured bicycle and scooter parking and storage within the building.

Table A. Uses: Permitted By-Right (X) and Special Use Permit (SP)		
USES		
Residential		
	Block A	**Block B**
Multi-Family (One, Two, Three, or Four Bedrooms)	X	X
Condominium	X	X
Accessory Uses	X	X
Non-Residential		
Public Uses	X	X
Home Occupations: Class A	X	X
Office (Medical, Dental, Optical, Professional)	X	X
Drive Through Windows*	X	X
Drug Store, Pharmacy	X	X
Community Center	X	X
Child Day Centers	X	X
Indoor Athletic Facilities	X	X
Indoor Theater	X	X
Health Spas	X	X
Convenience Store	X	X
Grocery Store	X	X
Farmer's Markets	X	X
Financial Institutions	X	X
Restaurant	X	X
Hair Salon or Barber Shop	X	X
Retail (sporting goods, hardware store, furnature store, etc)	X	X
Commercial Recreation Establishments/Amusement Center	X	X
Parking Structures	X	X
Temporary construction headquarters and temporary construction storage yards	X	X
Stormwater Management Facilities shown on an approved plan	X	X
Water, sewer, energy and communications distribution facilities	X	X
Tier I and Tier II Wireless Service Facilities	X	X
Tier III Wireless Service Facilities**	SP	SP
Notes:		
* Drive-through Windows will be subject to the design requirements of Section 5.1.60 of the Zoning Ordinance unless a special exception is obtained at site plan.		
** If the Zoning Ordinance is updated to allow Tier III Wireless Services Facilities by-right or by special exception, this use will no longer require a Special Use Permit		

Table B: NMD Density and Non-Residential Square Footage								
	Acreage	MIN Dwelling Units	MAX Dwelling Units	MAX Density (units/acre)	MIN Non-Residential SF	MAX Non-Residential SF	MIN Gross Square Feet	MAX Gross Square Feet
Block A	0.601	0	30	50	4,000	10,000	0	0
Block B	2.627	50	165	63	0	10,000	0	0
Total	3.23	50	165	51	4,000	10,000	100,000	200,000

Table C. Setback, Building, and Parking Regulations	
Building Height*	
Stories	5 max.
Height	65 feet max.
Setbacks	
Front	0' min. - 30' max.
Side	0'*
Rear	0'*
Stepbacks	None
Parking	
Spaces per residential unit	1.2
Total Minimum Spaces Provided	180**

Notes:

*Building separation will meet the requirements of the Building Code.

**Parking will be shared between the residential and non-residential uses.

III. GREEN SPACE AND AMENITIES

A variety of both passive and active recreational amenities will be provided and will be programmed during the site plan process. The amenity information within this Code of Development will supersede Section 4.16 of the Zoning Ordinance. Programmed facilities will be equivalent to or exceed those required by Section 4.16 as approved by the Director of Planning or designee. However, in no case will the recreational amenities be less than what is required under section 20A.9(c) of the Neighborhood Model District Zoning Ordinance:

1. At least 90 percent of the residential units in the NMD shall be within a one-quarter mile walk of an amenity.
2. The size, location, shape, slope and condition of the land shall be suitable for the proposed amenity.
3. The amenity shall be suitable for the specific population to be served.

4. The design of any recreational facilities shall meet the minimum design requirements from recognized sources of engineering and recreational standards.
5. In nonresidential areas of the development, amenities shall be located so that they are easily accessible to patrons and employees of the development.

See Table D below for detailed information on the minimum requirements for green space and amenities.

Table D. Minimum Green Space, Civic Areas, and Amenities				
	NMD Acreage	**MIN. Green and Amenity Space* (SF)**	**MIN. Green and Amenity Space (Ac)**	**MIN. Green and Amenity Space %**
TOTALS:	3.23	28,140	0.646	20%

Notes:

*This chart and notations supersede requirements of 4.16 of the Zoning Ordinance. All amenities will be programmed during the site plan process. Amenity types may include, but are not limited to: tot lot, plaza, pool, fitness room, game room, club room, work space. Programmed facilities/Amenities will be equivalent to or exceed those required by Section 4.16 as approved by the Director of Planning or designee.

IV. AFFORDABLE HOUSING

The Project will provide 15% of the total residential dwelling units (the "Affordable Units") within the project as Affordable Dwelling Units (the "15% Affordable Housing Requirement"). This meets the recommendations stated within the Albemarle County's current Affordable Housing Policy subject to the following conditions:

1. 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. While the Project is proposed to be entirely for-rent units, regulations for for-sale affordable units are provided in the event that the building is ever converted to a condominium.

2. For- Sale Affordable Dwelling Units. All purchasers of the Affordable Units will be approved by the Albemarle County Office of Housing or its designee ("Office of Housing"). A for-sale Affordable Dwelling Unit will 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 will 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 will 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 will commence upon written notice from the Applicant or its successor that the unit(s) will be available for sale. This notice will not be given more than sixty (60) days prior to receipt of the Certificate of Occupancy for the applicable for-sale Affordable 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 will have the right to sell the unit(s) without any restriction on sales price or income of the purchaser(s). This will apply only to the first sale of each of the for-sale Affordable Dwelling Units.

3. <u>For-Rent Affordable Dwelling Units.</u>

a. **Rental Rates.** The net rent for each rental housing unit which will qualify as an Affordable Unit ("For-Rent Affordable Unit") shall be affordable to households making up to eighty percent (80%) of the area median income (as determined by HUD annually) (“AMI”) such that the net rent may not exceed 30% of 80% of the AMI based on household size. In each subsequent calendar year, the monthly net rent for each For-Rent Affordable 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 Units may not exceed the maximum rents established in this Section will 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 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 Units during the Affordable Term will 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 Unit, or any part thereof, during the Affordable Term will 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 Unit during the Affordable Term, the then-current Owner will 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 Unit, the Applicant or its successor will 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 will 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.

V. VEHICULAR AND MULTI-MODAL TRANSPORTATION

Travel ways and Entrances

The design of the travelways, interconnections, and entrances will comply with the Virginia Department of Transportation ("VDOT") Road Design Manual and Albemarle County's Engineering Design Manual, as applicable, unless a modification or exception is approved during the site plan process. Adequate width will be provided to meet Fire/Rescue requirements.

Pedestrian and Bicycle Network

A 10-foot wide asphalt multi-use pathway is proposed to be constructed along the entire frontage of the parcel, and would replace the existing narrower concrete sidewalk as shown on the Application Plan. The Applicant would also provide a "separation zone," or a grass utility strip between the curb and the asphalt path that will have a minimum width of six feet. A potential future sidewalk/path is identified that can connect the site through the adjacent parcel to the east but is subject to adjacent owner's approval and an off-site easement. If able to be built, this path will connect to the pedestrian network along Hillsdale Drive where a transit stop is located.

Traffic Improvements

A Traffic Impact Analysis report prepared for the Project by Timmons Group and dated February 20, 2023 does not recommend any traffic improvements.

VI. ARCHITECTURAL AND LANDSCAPE STANDARDS

Architectural Standards

The Project is subject to review and approval by the Albemarle County Architectural Review Board ("ARB"), which has purview over the County's Entrance Corridors. Route 29 is a designated Entrance Corridor, therefore, the Project will be subject to review under the Albemarle County ARB Certificate of Appropriateness process, pursuant to Section 30.6.2 of the Zoning Ordinance.

As specified in section 20A.5.g of the Zoning Ordinance, the following standards are established for various elements of architecture and streetscape.

Below are a number of standards that are intended to address the architectural form, massing, proportion, and style for the Project.

1. Building facades will include breaks across the façade in order to vary the form and features of the building. Entrances, windows, changes in building material, and other architectural elements all can be utilized to achieve breaks within building façade.

2. Primary entrances for the building will generally be located either on the front of the building or side of the building facing the public right of way, green space, or amenity area. Additional secondary entrances may be utilized in the rear of the buildings.

Landscape Standards

All landscaping will conform to those standards within the Zoning Ordinance, or with the ARB design guidelines, as applicable for areas subject to ARB jurisdiction and review.

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