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 is specific to tax map parcels 76-46AA, 76-54, and 76-46AB. 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.

This Zoning Map Amendment "ZMA", ZMA2023-18, amends ZMA2021-14 that originally amended ZMA2019-03. ZMA2023-18 amends permitted residential density, minimum non-residential square footage, and certain building form and permitted use requirements in Blocks 2-4 and modifies permitted yard encroachments in Blocks 1-5. Changes proposed with ZMA2023-18 are shown in **red.**



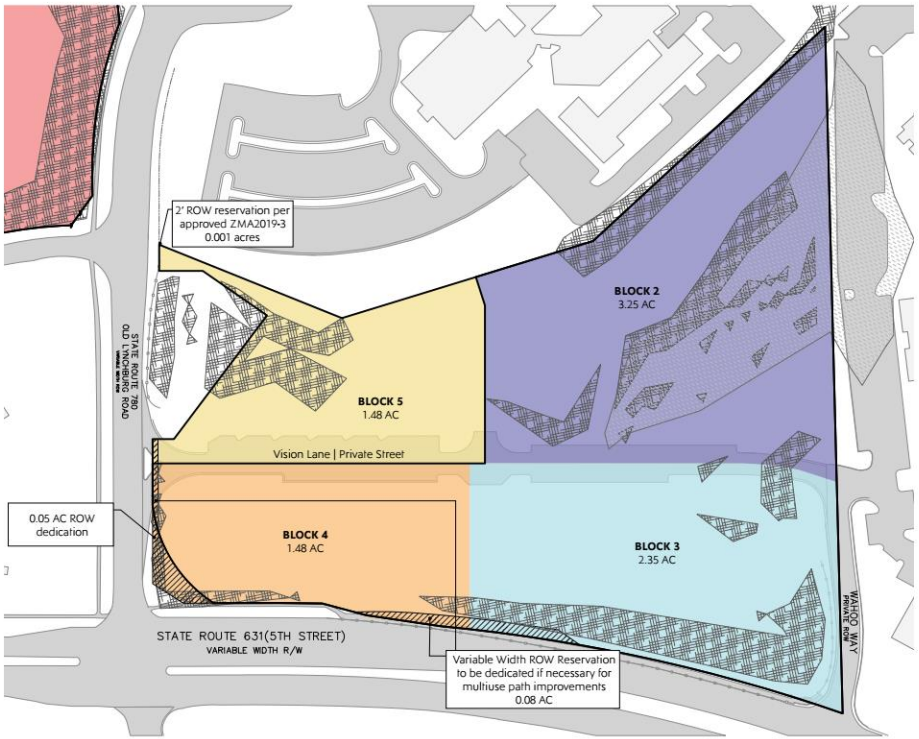


TABLE A. Uses					
	BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4	BLOCK 5
RESIDENTIAL					
Attached single-family dwellings such as two-family dwellings, triplexes, quadruplexes, and townhouses	BR	BR	N	N	N
Multifamily	BR	BR	BR	BR	BR
Group Homes	BR	BR	BR	BR	BR
Boarding Houses	BR	BR	BR	BR	BR
Home Occupation Class A	BR	BR	BR	BR	BR
NON-RESIDENTIAL					
Office/R&D/Flex	BR	BR	BR	BR	BR
Light Industrial	N	SP	N	N	SP
Retail Sales	BR	BR	BR	BR	BR
General Commercial Service	BR	BR	BR	BR	BR
Public Establishments	BR	BR	BR	BR	BR
Institutional	BR	BR	BR	BR	BR
Hotel/Conference Facility	N	BR	N	BR	BR
Self-service storage facilities	N	BR	N	N	BR
Farmers' markets	N	BR	BR	BR	BR
Car Washes	N	N	N	N	N
Automobile, Truck Repair Shops	N	N	N	N	N

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

Machinery and equipment sales, service, and rental	N	N	N	N	N
Manufactured home and trailer sales and service	N	N	N	N	N
Motor vehicle sales, service and rental	N	N	N	N	N
Wholesale Distribution	N	N	N	N	N
Sale of major recreational equipment and vehicles	N	N	N	N	N
Storage Yards	N	N	N	N	N
Drive-through windows	N	N	SP	SP	N
Water, sewer, energy and communications distribution facilities	BR	BR	BR	BR	BR
Accessory uses and buildings including storage buildings	BR	BR	BR	BR	BR
Temporary construction headquarters and temporary construction storage yards (reference §18-5.1.18)	BR	BR	BR	BR	BR
Temporary industrialized buildings (reference 5.8)	BR	BR	BR	BR	BR
Public Uses (reference §18-5.1.12)	BR	BR	BR	BR	BR
Tier I and Tier II Personal wireless (reference §18-5.1.40)	BR	BR	BR	BR	BR
Outdoor storage, display and/or sales serving or associated with a Permitted use, other than a residential use	N	SP	SP	N	SP
Stand alone parking	BR	BR	BR	BR	BR
Parking structure	N	BR	BR	BR	N

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 adopted Comprehensive Plan. If no definition of the use is provided (Code of Development, Zoning Ordinance, Comprehensive Plan) then such use must be officially determined by the zoning administrator, after consultation with the director of planning, to be permitted in a particular Block pursuant to subsection 8.5.5.2(c)(1).
2.) The requirement for two housing types in the NMD has been waived with the approval of the special exception for ZMA2019-00003 which was approved by the Board of Supervisors on October 7, 2020.
3.) Parking structures are only permitted as accessory uses and must be relegated to the side or rear of primary buildings and must be no less than 15' further from the street than the front façade of the primary building.
4.) "Office/R&D/Flex" expressly permits "Laboratories/Research and Development/Experimental Testing"
Notes to Table A Continue on Next Page

Notes to Table A (continued):
5.) Drive-through windows in Block 4 shall be subject to the following:

a. The drive-through window shall not be located adjacent to a public street.

b. No drive-through lane shall be located between a building and a public street unless separated from the right of way by a landscaped area that is a minimum of 10' in width and provides plantings to the satisfaction of the director of community development or the director's designee.

c. Each drive-through lane shall be separated from any pedestrian travelway, except where a pedestrian travelway crosses the drive-through lane as provided in subsection (d), and any vehicular travel areas, by a planting strip at least five feet in width.

d. If a pedestrian travelway crosses a drive-through lane, there shall be provided either a five foot wide raised pedestrian travelway or a five foot wide pedestrian travelway containing a change in texture and visual markings.

e. Each drive-through lane shall be at least 11 feet wide.

f. No drive-through lane shall enter directly from or exit directly to any public street.

g. Each entrance to a drive-through lane shall be more than 50 feet from any intersection with a public or private street or travelway without parking.

h.Each drive-through lane shall be a minimum of 100 feet in length measured from the center of the first window or service point. This length may be reduced if a study is submitted and approved by the director of community development or his designee demonstrating that a shorter length will be sufficient for a particular use.

i.Each drive-through lane shall extend at least 20 feet beyond the drive-through window.

j.If a drive-through lane is located adjacent to an internal travelway, the direction of travel in the drive-through lane and the travelway shall be the same unless they are separated from one another by a landscaped area that provides plantings to the satisfaction of the director of community development or the director's designee and is at least ten feet in depth extending the length of the drive-through lane.

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

TABLE B. SQUARE FOOTAGE						
	BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4	BLOCK 5	TOTAL
MIN Non-Residential Square Footage	0	0	0	10,000	45,000	55,000
MAX Non-Residential Square Footage	6,000	125,000	110,000	60,000	125,000	426,000

TABLE C. RESIDENTIAL DENSITY (Net Density Calc)						
	BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4	BLOCK 5	TOTAL
Approximate Block Area (Net Acreage)	5.08	3.17	2.35	1.49	1.54	13.63
MIN Residential Units	29	0	0	0	0	29
MAX Residential Units	128	← 240 →			39	--
MAX Block Gross Density (DUA)	25	← 34 →			25	--

Notes to Table C:
1.) Total number of residential units in Albemarle Business Campus not to exceed 368.
2.) Overall maximum residential density not to exceed 26 dwelling units per acre "DUA" in Albemarle Business Campus.
3.) Maximum of 240 units permitted between Blocks 2-4 with a maximum density of 34 DUA.

TABLE D. GREENSPACE & AMENITIES

	BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4	BLOCK 5	TOTAL
Amenity Area MIN SF	44,257		74,488 SF for Blocks 2-5			118,745
Amenity Area MIN %	20%		20% for Blocks 2-5			20%
Amenities	Passive & active recreational opportunities; clubhouse, fitness center, pool, sitting garden, dog park, landscaped walking path	Passive & active recreational opportunities; park/dog park, central greenspace, pedestrian path	Passive recreational opportunities; rooftop deck, central greenspace, pedestrian path, multi-use path, dynamic transport plaza, linear greenway adjacent to multi-use path with sensory/experiential plantings (edible trees & shrubs, flowers, seasonal blooms)	Passive recreational opportunities; central greenspace, linear greenway adjacent to multi-use path with sensory/experiential plantings (edible trees & shrubs, flowers, seasonsl blooms), multi-use path, transit plaza	Passive recreational opportunities; walking path	
Green Space MIN Sf	44,257		74,488 SF for Blocks 2-5			118,745
Green Space MIN %	20%		20% for Blocks 2-5			20%
Green Space Elements	Grass/other vegetation or water feature	Grass/other vegetation or water feature	Grass/other vegetation or water feature	Grass/other vegetation or water feature	Grass/other vegetation or water feature	
Amenity + Green Space MIN %	20%		20% for Blocks 2-5			20%

Notes to Table D:

1.) A minimum of 20% of Albemarle Business Campus shall be designated as green space and amenity area. In non-residential blocks, the 20% greenspace and amenity area minimum may be distributed among multiple blocks. Any block containing residential use must provide 20% greenspace and amenity area in that block and provide recreational facilities in accordance with 4.16 provided that facilities and equipment substitutions may be pursued at site plan. Examples of potential equipment and facilities substitutions are provided on Table D1.

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.) 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.

4.) Amenities identified in any standing performance agreement between the owner and the County shall be completed in accordance with any timelines for amenity completion identified in the standing performance agreement. Amenities per block required by this code of development, but not expressly identified in the performance agreement, must be completed prior to the issuance of certificate of occupancy for the first permanent building or structure located within that block.

5.) At least 90% of the residential units in the NMD will be within a quarter-mile walk of an amenity.

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.) • Kiddie pool • Clubhouse
1/2 basketball court	• Fitness center • Pool • Clubhouse
Notes to Table D1: 1. The alternative equipment & facilities provided are non-exhaustive and are meant to provide a general framework for potential substitutions pursued at site plan.	

Architectural Standards (Sections 20A.5g)

In addition to any architectural, landscape, and site requirements illustrated or otherwise included in other sections of this application, the Entrance Corridor 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. Architectural design and detail of structures will be subject to Architectural Review Board (ARB) review and Section 30.6 "Entrance Corridor Overlay District" of the Albemarle County Code, as applicable.

1. The illustrations in Figures 1 - 4 demonstrate possible form, massing, and proportions of structures within the NMD; final architectural designs to be determined at site plan.
2. Each building facade shall have a minimum of two material treatments; material treatments exclude windows and doors.

Figure 1

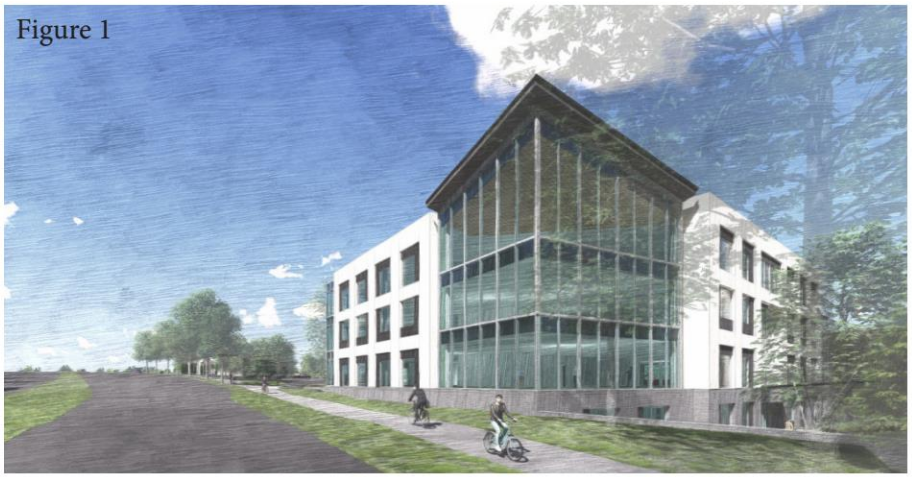


Figure 2



Figure 3



Figure 4



TABLE E. LOT & BUILDING REGULATION					
	BLOCK 1	**BLOCK 2**	**BLOCK 3**	**BLOCK 4**	**BLOCK 5**
Building Height					
Stories[6]	1 Min - 3 Max	1 Min - 4 Max	2 Min - 4 Max	1 Min - 4 Max	1 Min - 3 Max
Height	45'	75’	60'	60'	50'
Setbacks					
Primary Front[1]	5' Min	0' Min - 30' Max	5' Min - 30' Max	5' Min - 30' Max	0' Min - 30' Max
Secondary Front[1]	N/A	N/A	0’ Min - 30’ Max	0’ Min - 30’ Max	N/A
Side	5' Min	None	None	None	None
Rear	None	None	N/A	N/A	None
Stepbacks					
Primary Front[1]	None	None	For each story that begins above 52' in height or for each story above the third story, whichever is less, the minimum stepback shall be 15 feet	For each story that begins above 40' in height or for each story above the third story, whichever is less, the minimum stepback shall be 15 feet	For each story that begins above 40' in height or for each story above the third story, whichever is less, the minimum stepback shall be 15 feet
Secondary Front[1]	N/A	N/A	For each story that begins above 45’ in height or for each story above the third story, whichever is less, the minimum stepback shall be 15 feet	For each story that begins above 40’ in height or for each story above the third story, whichever is less, the minimum stepback shall be 15 feet	N/A
Side and Rear	None	None	None	None	None
Building Footprint					
Maximum Single Building Footprint	20,000	30,000	40,000	30,000	40,000

Notes to Table E:

1.) For double-frontage lots in Blocks 3 & 4, 5th Street shall be considered the primary front and the interior road parallel to 5th Street shall be considered the secondary front. Primary facades of buildings in Blocks 3 & 4 shall be oriented to 5th Street.

2.) On any parcel with multiple main buildings, at least one main building shall meet the maximum setback.

3.) 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 the right-of-way.

4.) Surface parking in Blocks 3 & 4 shall not be located closer than 10’ from the edge of the 5th Street right-of-way.

5.) Building separation shall comply with all applicable USBC regulations & Section 4.11 of the Zoning Ordinance.

6.) Minimum and maximum building story ranges are for above grade stories.

Notes to Table E (continued):
7.) Covered porches, balconies, eaves and like architectural features may project not more than four feet into any required yard. Awnings and railings shall not be subject to stepback regulations.
8.) Side setbacks for structures in Block 1 may be reduced for structures sharing a common wall.

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

Parking shall be generally located as shown in Figures 5 & 6. Table E of the Code of Development and the Application Plan shall be referenced for parking area restrictions. Parking, stacking, and loading shall be provided in accordance with Section 4.12 unless reductions to the minimum parking requirement are approved by the Zoning Administrator or his or her designee. A parking and loading needs study required by Section 33.19(D) shall be submitted in conjunction with the initial site plan and may be amended with subsequent site plan amendments. The parking and loading needs study may demonstrate that reductions from the minimum parking requirement may be permitted. Bike racks shall be installed at every building in the NMD and may be one method utilized to alleviate the need for automobile parking.

Per Table A, parking structures are permitted in Blocks 2-4. Parking structures must be relegated behind or to the side of the associated structure to minimize the visibility of the parking structure from public and private streets, and the parking structure may not exceed the height of the associated structure.

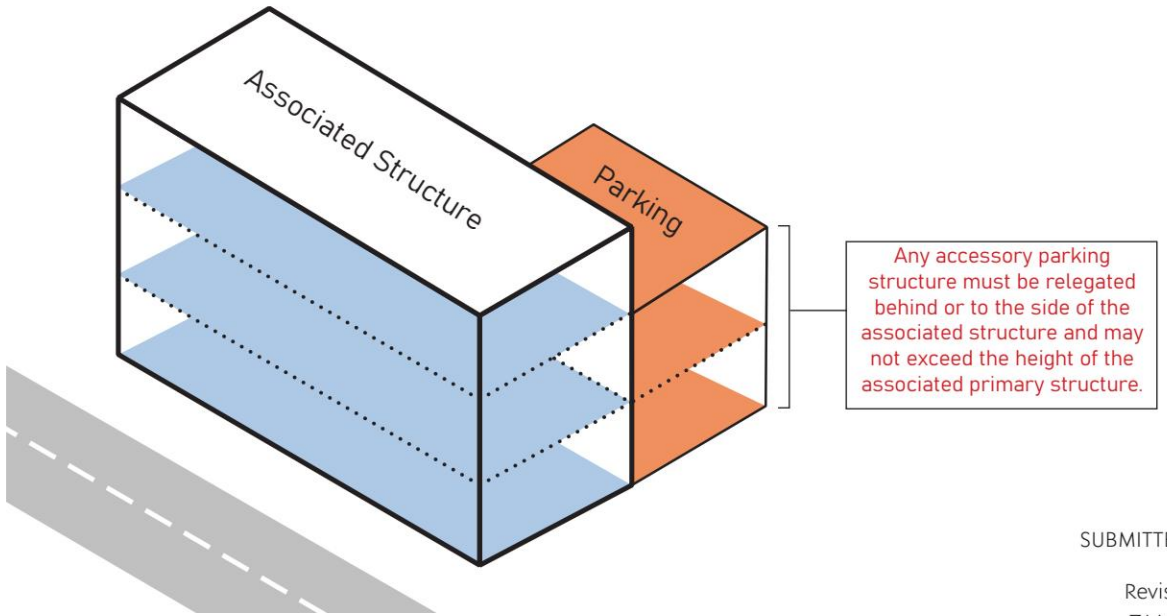


Figure 5



Figure 6



Landscape Treatments (Section 20A.5h)

Landscaping shall be generally located as shown in Figures 5 & 6 above. Landscaping and screening shall be provided in accordance with Section 32.7.9 of the Albemarle County Code and in accordance with Entrance Corridor Design Guidelines. Plantings may be provided in the Virginia Department of Transportation right-of-way only as permitted by VDOT. Dumpsters and Dumpster Pads on the Property shall be screened pursuant to Section 4.12.19 of the Zoning Ordinance.

Additional Landscape Treatments

If surface parking is constructed in the southeast corner of Block 3, the grade and landscape treatments should work together to screen the parking area from the Entrance Corridor. Figures 7 & 8 depict general screening measures for future surface parking in the southeast corner of Block 3.

Figure 7

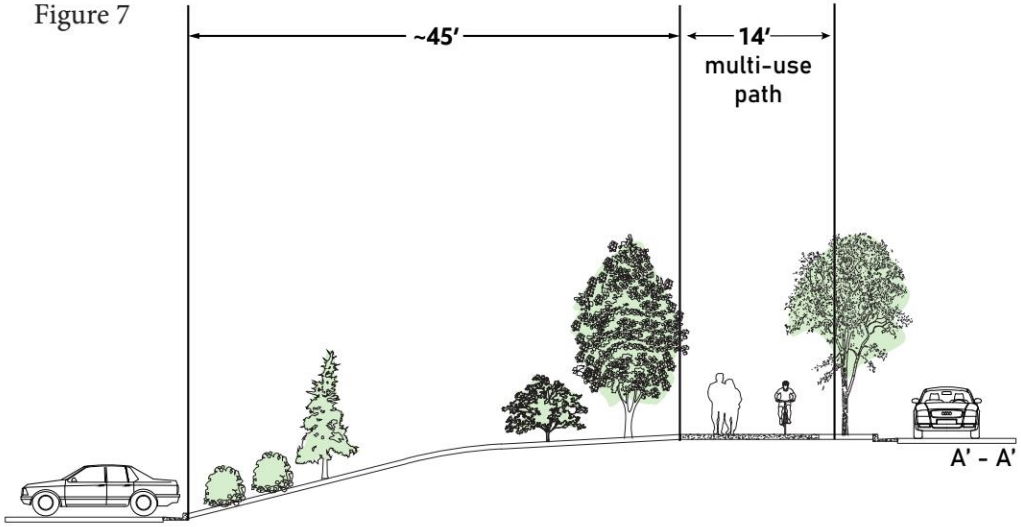


Figure 8



Additional Landscape Treatments Continued

For any nonresidential or mixed use structure greater than 50' in height constructed in Block 2, a minimum 20' planting strip must be planted along the northern property boundary for the extent of the building facade adjacent to the northern property boundary. The planting strip shall consist of a double staggered row of evergreen trees planted 15 on center, or a double staggered row of evergreen shrubs planted ten feet on center, or an alternative vegetative screening approved by the Director of Community Development or its designee. The 20' planting buffer permits the construction of a sidewalk in accordance with the Application Plan.

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

Sidewalks and pedestrian paths shall be generally located per the Application Plan associated with ZMA201900003. 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, and will be provided on either side of any street within the NMD. Sidewalks will be located generally as shown in Figures 9 & 10 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 Figures 9 & 10 are provided. The "comparable connectivity" of any modifications to the general location of sidewalk connections shown in Figures 9 & 10 shall be determined by the Director of Community Development or its designee. In addition to the general locations shown in Figures 9 & 10, sidewalks will be constructed to provide safe and convenient pedestrian connections between parking areas and building entrances.

Pedestrian paths/allées/connections will be located generally as shown in Figures 9 & 10 of this Code of Development and as provided for in the Application Plan however, final pedestrian path/allée/connections locations will be determined at site plan. Modifications to general pedestrian path/allée/connection locations may be pursued at site plan so long as pedestrian connections providing comparable connectivity to the connections shown in Figures 9 & 10 are provided. The "comparable connectivity" of any modifications to the general location of pedestrian path/allée/connections shown in Figures 9 & 10 shall be determined by the Director of Community Development or its designee.

Figure 9

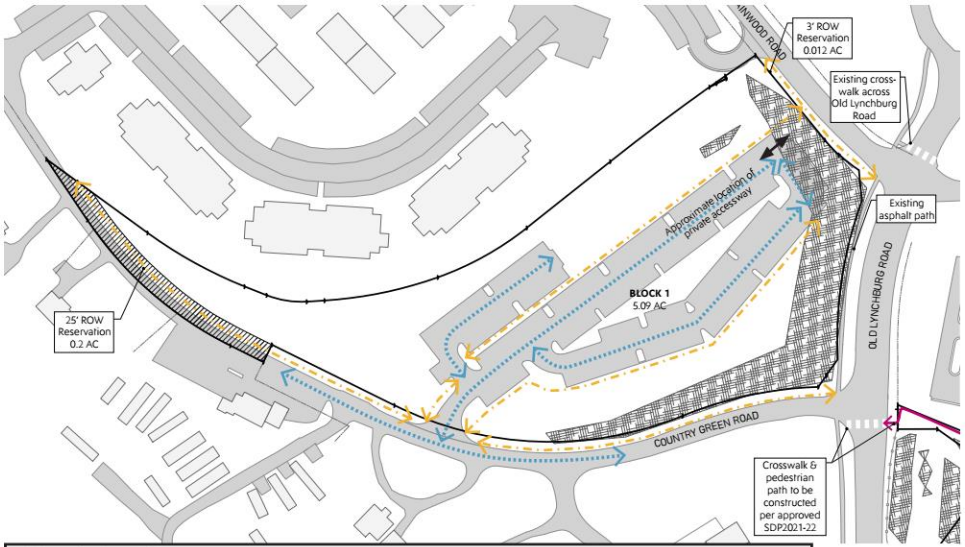
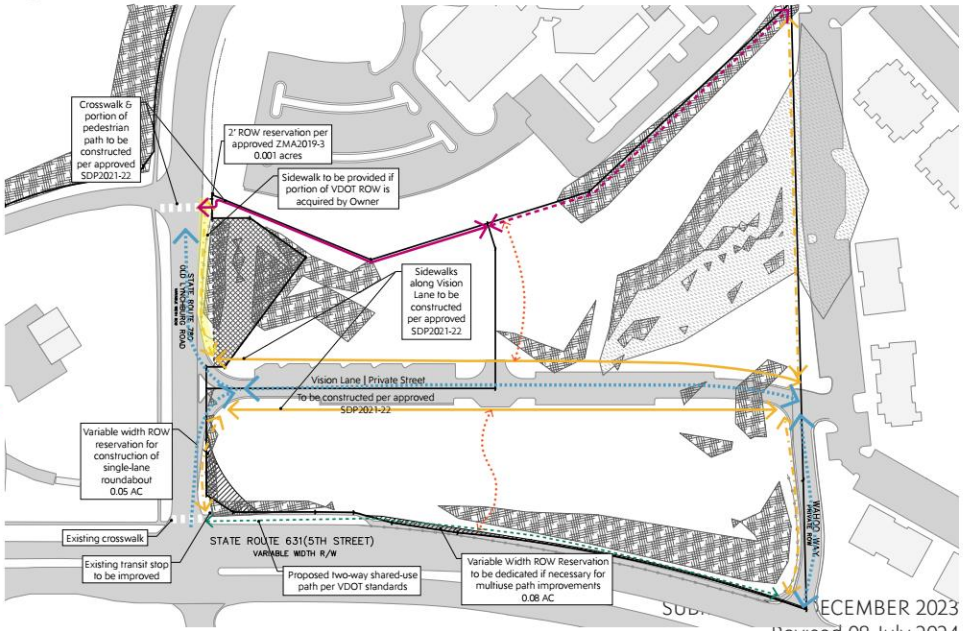


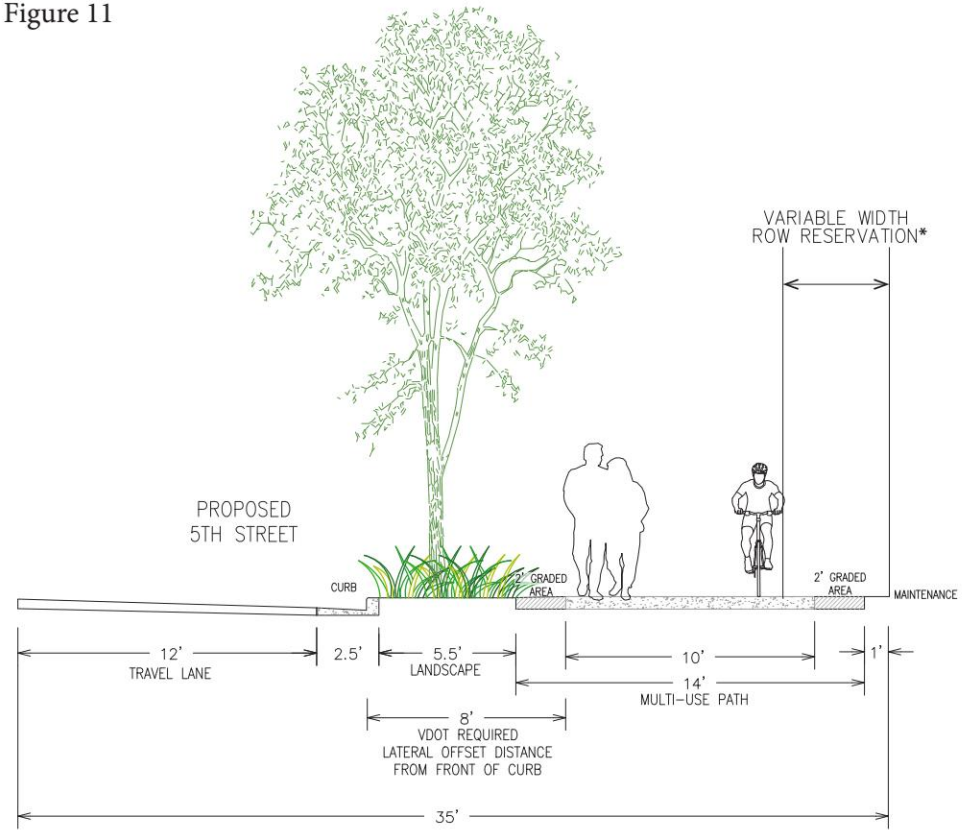
Figure 10



SHIMP ENGINEERING, P.C.

TWO-WAY SHARED-USE PATH (VDOT STANDARDS) 5TH STREET EXTENDED

Figure 11



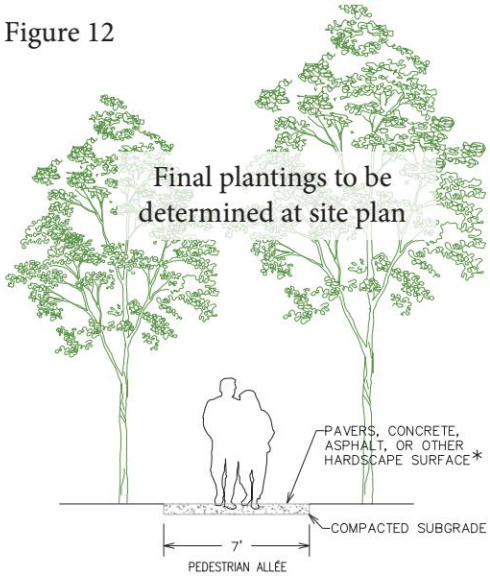
*To be dedicated if necessary for multi-use path improvements

1. Improvements shown in Figure 11 are within right-of-way and right-of-way reservation area adjacent to 5th Street

2. Plantings provided as permitted by VDOT

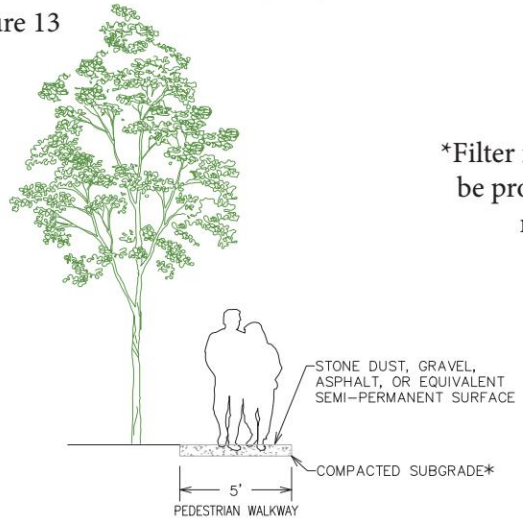
PEDESTRIAN ALLÉE

Figure 12



PEDESTRIAN PATH

Figure 13



*Filter fabric to be provided if required

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 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). 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

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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.

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