

*ALBEMARLE COUNTY CODE*

**CHAPTER 18**

**ZONING**

**SECTION 20A**

**NEIGHBORHOOD MODEL - NMD**

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**20A.1 PURPOSE AND INTENT**

The purpose of the Neighborhood Model district (hereinafter referred to as the “NMD”) is to establish a planned development district in which traditional neighborhood development, as established in the county’s Neighborhood Model, will occur. The county’s Neighborhood Model was adopted as part of the comprehensive plan, and is hereinafter referred to as the “Neighborhood Model.” The regulations in section 20A encourage a development form and character that is different from conventional suburban development by providing the following characteristics:

- Pedestrian orientation;
- Neighborhood friendly streets and paths;
- Interconnected streets and transportation networks;
- Parks and open space as amenities;
- Neighborhood centers;
- Buildings and spaces of human scale;
- Relegated parking;
- Mixture of uses and use types;
- Mixture of housing types and affordability;
- Redevelopment;
- Site planning that respects terrain; and
- Clear boundaries with the rural areas.

The NMD is intended to provide for compact, mixed-use developments with an urban scale, massing, density, and an infrastructure configuration that integrates diversified uses within close proximity to each other within the development areas identified in the comprehensive plan.

The particular uses permitted within a particular district, as well as the character, form and density of the development, shall be derived from the comprehensive plan, including the land use plan for the applicable development area, the master plan for the applicable development area, and the Neighborhood Model. Density shall be achieved with careful attention to design, as articulated in the Neighborhood Model.

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These regulations are intended to provide an applicant with maximum flexibility in creating and implementing the general development plan and the code of development.

(Ord. 03-18(2), 3-19-03)

### **20A.2 STATUS AS A PLANNED DEVELOPMENT DISTRICT**

An NMD is a planned development district within the meaning of section 8 of this chapter, subject to the following:

- a. As a planned development district, the standards for development shall be particular to the district and not be based on standards established for conventional zoning districts or the general standards for commercial or industrial districts in sections 21 and 26, respectively, of this chapter. The standards for development that are submitted by an applicant and approved by the board of supervisors for a particular NMD shall be the district's code of development described in section 20A.5.
- b. An application is not necessarily required to possess every characteristic of the Neighborhood Model delineated in section 20A.1 in order to be approved as an NMD. The size of the proposed district, its relationship to a larger neighborhood, or other similar factors may prevent the application from possessing every characteristic.
- c. An NMD shall have no minimum acreage requirement.

(Ord. 03-18(2), 3-19-03)

### **20A.3 APPLICATION REQUIREMENTS; REQUIRED DOCUMENTS AND INFORMATION**

Except where the option is exercised as provided in subsection 20A.3(b), below, the following documents and information shall be submitted in addition to any other documents required to be submitted under section 8.5 of this chapter:

- a. A statement describing how the proposed NMD satisfies the intent of the zoning ordinance and is consistent with the applicable goals and objectives of the comprehensive plan, the land use plan, the master plan for the applicable development area, and the Neighborhood Model; if one or more characteristics of the Neighborhood Model delineated in section 20A.1 are missing from an application, the applicant shall justify why all of the characteristics cannot or should not be provided;
- b. A parking and loading needs study that demonstrates parking needs and requirements and includes strategies for dealing with these needs and requirements, including phasing plans, parking alternatives as provided in section 4.12.8 of this chapter, and transportation demand management strategies as provided in section 4.12.12 of this chapter; provided that the applicant may elect to submit the parking and loading needs study in conjunction with the preliminary site plan for the development if it determines that the uses that may occupy the buildings are not sufficiently known at the time of the zoning map amendment.
- c. Strategies for establishing shared stormwater management facilities, off-site stormwater management facilities, and the proposed phasing of the establishment of stormwater management facilities.
- d. An application plan, as provided in section 20A.4, including all information required by sections 8 or 20A to support any element of the plan.
- e. A code of development, as provided in section 20A.5, including all information required by sections 8 or 20A to support any element of the code.

(Ord. 03-18(2), 3-19-03; Ord. 09-18(9), 10-14-09)

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### **20A.4 APPLICATION PLANS**

In addition to the application plan requirements of section 8.5.1(e), the following are required elements of an application plan in the NMD:

- a. The general location of proposed streets, alleys, sidewalks, and pedestrian paths;
- b. The location of proposed green spaces, amenities, conservation areas or preservation areas, as provided in section 20A.9;
- c. A conceptual lot lay-out;
- d. Conceptual grading/topography using the county geographic information system or better topographic information supplemented where necessary by spot elevations and areas of the site where existing slopes are twenty-five (25) percent or greater;
- e. Typical street cross-sections to show proportions, scale, and streetscape, which, alternatively, may be provided in the code of development;
- f. Any proposed connections to existing and proposed streets, as well as proposed thoroughfares shown on the comprehensive plan;
- g. The general lay-out for the water and sewer systems, conceptual stormwater management, and a conceptual mitigation plan; and
- h. The location of central features or major elements within the development essential to the design of the development, such as building envelopes, major employment areas, parking areas and structures, civic areas, parks, open space, green spaces, amenities and recreation areas.

(Ord. 03-18(2), 3-19-03; Ord. 09-18(9), 10-14-09)

### **20A.5 CODES OF DEVELOPMENT**

A code of development shall establish the unifying design guidelines, the specific regulations for the district, and the use characteristics of each block; provide for certainty in the location of and appearance of central features, and the permitted uses in the district; and provide a flexible range of a mix of uses and densities. Any substantive or procedural requirement of this chapter shall apply to an NMD unless the subject matter is expressly addressed in the code of development. Each code of development shall be in a form required or otherwise approved by the director of planning. To satisfy these requirements, each code of development shall establish:

- a. The uses permitted in the district by right and by special use permit, as provided in section 20A.6.
- b. The amount of developed square footage proposed, delineated for the entire NMD and by block by use and amenity. The developed square footage may be expressed as a proposed range of square footage.
- c. The maximum number of residential dwelling units, dwelling units by type, and delineating at least two (2) housing types, as provided in section 20A.8.
- d. The amount of land area and percentage of gross acreage devoted to green space and amenities, as provided in section 20A.9.
- e. All requirements and restrictions associated with each use delineated in subsection 20A.5(a).
- f. All uses expressly prohibited in the district, so that they may not be considered to be uses accessory to a permitted use.

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- g. Architectural standards that will apply in the NMD, which shall address the following:
1. The form, massing, and proportions of structures which may be provided through illustrations;
  2. Façade treatments;
  3. The preservation of historic structures, sites, cemeteries, and archeological sites identified by the Virginia Department of Historic Resources; and
  4. Architectural styles, materials, colors and textures if these elements are determined to be necessary in order for a proposed development to be compatible with its contiguous developed surroundings. The provisions in a code of development adopted prior to October 14, 2009 pertaining to subsections 20A.5(g)(1) through (4) shall be the only architectural standards in the code of development that apply to the planned development.
- h. Landscape treatments where landscaping in addition to that required by section 32 is proposed. The provisions in a code of development adopted prior to October 14, 2009 pertaining to landscape treatments as required under former subsection 20A.5(g)(7) shall apply to the planned development.
- i. For each block:
1. The uses permitted on the block by right and by special use permit;
  2. Build-to lines or ranges, which are the required distance from the right-of-way to a structure;
  3. Minimum and maximum lot dimensions;
  4. Minimum number of stories and maximum building heights;
  5. Location of sidewalks and pedestrian paths;
  6. Acreage devoted to and characteristics of green space, amenities, and recreational areas and facilities as required by section 4.16;
  7. Location, acreage and characteristics of conservation areas and preservation areas as defined in section 3.1, if applicable;
  8. Location of parking areas;
  9. Location, acreage and characteristics of civic spaces, which are public areas for community or civic activities (*e.g.*, libraries and their associated yards, schools and places of worship);

(Ord. 03-18(2), 3-19-03; Ord. 09-18(9), 10-14-09)

### **20A.6 PERMITTED USES**

The following uses shall be permitted in an NMD, subject to the regulations in this section and section 8, the approved application plan and code of development, and the accepted proffers:

- a. *By right uses.* The following uses are permitted by right if the use is expressly identified as a by right use in the code of development or if the use is permitted in a determination by the zoning administrator pursuant to subsection 8.5.5.2(c)(1):

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1. Each use allowed by right or by special use permit in any other zoning district, except for those uses allowed only by special use permit delineated in subsections 20A.6(b)(2) and (b)(3); provided that the use is identified in the approved code of development.
  2. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformity with Chapter 16 of the Code of Albemarle and all other applicable law.
  3. Accessory uses and buildings including storage buildings.
  4. Home occupation, Class A, where the district includes residential uses.
  5. Temporary construction uses.
  6. Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies, public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority.
  7. Tourist lodgings, where the district includes residential uses.
  8. Homes for developmentally disabled persons, where the district includes residential uses.
  9. Tier I and Tier II personal wireless service facilities (reference 5.1.40). (Added 10-13-04)
  10. Farmers' markets (reference 5.1.47). (Added 5-5-10)
- b. *By special use permit.* The following uses are permitted by special use permit if the use is expressly identified as use permitted by special use permit in the code of development:
1. Each use allowed by right or by special use permit in any other zoning district.
  2. Drive-through windows serving or associated with permitted uses.
  3. Outdoor storage, display and/or sales serving or associated with a by right permitted use, if any portion of the use would be visible from a travelway.

(Ord. 03-18(2), 3-19-03; Ord 04-18(2), 10-13-04; Ord. 09-18(9), 10-14-09; Ord. 10-18(4), 5-5-10)

**20A.7 RESIDENTIAL DENSITY**

Residential density within each NMD shall be as follows:

- a. The gross residential density should be within the applicable recommended gross density range established in the land use element of the comprehensive plan. In its deliberations regarding the appropriate residential density for the district, the board of supervisors shall take into account the amount of land devoted to non-residential uses.
- b. The gross residential density shall be measured in dwelling units per acre and calculated by dividing the proposed number of dwelling units in the proposed district by the gross acreage of the district.

(Ord. 03-18(2), 3-19-03; Ord. 09-18(9), 10-14-09)

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### 20A.8 MISTURE OF USES

There shall be a mixture of uses within each NMD as follows:

- a. Each district shall have at least two housing types; provided that this requirement may be waived by the board of supervisors if the district is an infill project or at least two (2) housing types are already present within one-quarter mile of the proposed district. The following are considered to be different housing types: (1) single family detached dwellings; (2) single family attached dwellings; (3) duplexes; (4) triplexes; (5) quadplexes; (6) townhouses; (7) multifamily dwellings; (8) accessory apartments; (9) manufactured housing; and (10) special needs housing such as assisted living facilities, group homes, and nursing homes.

An “infill project” is a project in which a parcel is developed or redeveloped, where abutting or nearby parcels are already developed, and the project area is relatively small compared to the developed abutting or nearby parcels.

- b. Each district shall have at least two different general use classifications (*i.e.*, residential, commercial, industrial, institutional, parks or recreational facilities open to the public); provided that this requirement may be waived by the board of supervisors if a different use is already present within one-quarter mile of the proposed district and accomplishes the mixture of uses within the neighborhood sought to be achieved by this section to an equivalent degree.
- c. The mixture of uses shall be based upon the uses recommended in the land use element of the comprehensive plan. The required mixture of uses may be obtained with different uses in different buildings or a mixture of uses within the same building.

(Ord. 03-18(2), 3-19-03)

### 20A.9 GREEN SPACES, AMENITIES, CONSERVATION AREAS AND PRESERVATION AREAS

Each NMD shall include the following:

- a. *Green space.* The minimum area devoted to green space is as follows:
  1. For areas shown in the land use element of the comprehensive plan as neighborhood density residential, urban density residential, transitional, neighborhood service, community service, or office service, the area devoted to green space shall be at least twenty percent (20%) of the gross acreage of the area proposed to be rezoned.
  2. For areas shown in the land use element of the comprehensive plan as regional service, office regional or industrial service, the area devoted to green space shall be at least fifteen percent (15%) of the gross acreage of the area proposed to be rezoned.
  3. For areas having a land use designation not addressed in subsections 20A.9(a)(1) and 20A.9(a)(2), the recommendations of the applicable provisions of the comprehensive plan shall be guidance on the minimum area devoted to green space.
  4. The minimum area devoted to green space may be reduced by the board of supervisors at the request of the applicant. In acting on a request, the board shall consider these factors: the relationship of the site to adjoining or nearby properties containing public green space such as parks or natural areas; the known future uses of the adjoining properties; and whether a reduction would better achieve the neighborhood model goals of the comprehensive plan.
- b. *Amenities.* The minimum area devoted to amenities is as follows:

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1. For areas shown in the land use element of the comprehensive plan as neighborhood density residential, urban density residential, neighborhood service, and community service, the area devoted to amenities shall be at least twenty percent (20%) of the gross acreage of the area proposed to be rezoned.
  2. For areas shown in the land use element of the comprehensive plan as regional service, office service, office regional service or industrial service, the area devoted to amenities shall be at least ten percent (10%) of the gross acreage of the area proposed to be rezoned.
  3. For areas having a land use designation not addressed in subsections 20A.9(b)(1) and 20A.9(b)(2), the recommendations of the applicable provisions of the comprehensive plan shall be guidance on the minimum area devoted to amenities.
  4. The minimum area devoted to amenities may be reduced by the board of supervisors at the request of the applicant. In acting on a request, the board shall consider these factors: the relationship of the site to adjoining or nearby properties containing amenities; the proportion of residential uses to nonresidential uses proposed; the known future uses of the adjoining properties; and whether a reduction would better achieve the neighborhood model goals of the comprehensive plan.
- c. *Additional requirements for amenities.* Amenities shall also be subject to the following:
1. At least ninety percent (90%) 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.
- d. *Green space within parks and recreational amenities.* Any portion of an amenity that is covered in grass or other vegetation may be counted as both green space and an amenity.
- e. *Preservation areas within green space.* Preservation areas that preserve environmental features shall be included as green space area.
- f. *Conservation areas within green space.* Conservation areas that maintain environmental features shall be included as green space area.

(Ord. 03-18(2), 3-19-03; Ord. 09-18(9), 10-14-09)

### **20A.10 STREETS**

Each street within an NMD shall meet the street standards for a traditional neighborhood development established by the department of community development.

(Ord. 03-18(2), 3-19-03; Ord. 09-18(9), 10-14-09)