

ALBEMARLE COUNTY CODE

CHAPTER 18

ZONING

SECTION 18

RESIDENTIAL - R-15

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18.1 INTENT, WHERE PERMITTED

R-15 districts are hereby created and may hereafter be established by amendment to the zoning map to provide a plan implementation zone that:

- Provides for compact, high-density residential development; (Amended 9-9-92)
- Permits a variety of housing types; and
- Provides incentives for clustering of development and provision of locational, environmental and developmental amenities.

R-15 districts may be permitted within the community and urban area locations designated on the comprehensive plan. (Amended 9-9-92)

18.2 PERMITTED USES

18.2.1 BY RIGHT

The following uses shall be permitted by right in the R-15 district, subject to the applicable requirements of this chapter:

1. Detached single-family dwellings.
2. Semi-detached and attached single-family dwellings such as duplexes, triplexes, quadraplexes, townhouses, atrium houses and patio houses provided that density is maintained, and provided further that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall.

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3. Multiple-family dwellings such as garden apartments.
4. Cluster development of permitted residential uses.
5. Rental of permitted residential uses and guest cottages; provided that yard, area and other requirements of this ordinance shall be met for each such use whether or not such use is on an individual lot.
6. Homes for developmentally disabled persons (reference 5.1.07).
7. Boarding houses.
8. Tourist lodgings (reference 5.1.17).
9. (Repealed 9-2-81)
10. (Repealed 9-2-81)
11. 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 conformance with Chapter 16 of the Code of Albemarle and all other applicable law.
12. 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 (reference 31.2.5); 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 (reference 31.2.5; 5.1.12). (Amended 11-1-89)
13. Temporary construction uses (reference 5.1.18).
14. Accessory uses and buildings including home occupation, Class A (reference 5.2) and storage buildings.
15. Stormwater management facilities shown on an approved final site plan or subdivision plat. (Added 10-9-02)
16. Tier I and Tier II personal wireless service facilities (reference 5.1.40). (Added 10-13-04)
17. Family day homes (reference 5.1.56). (Added 9-11-13)

(§ 18.2.1, 12-10-80; 9-2-81; 11-1-89; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 13-18(5), 9-11-13)

18.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the R-15 district, subject to the applicable requirements of this chapter:

1. Community center (reference 5.1.4).
2. Clubs, lodges, civic, fraternal, patriotic (reference 5.1.2).
3. Fire and rescue squad stations (reference 5.1.9).
4. Swim, golf, tennis or similar athletic facilities (reference 5.1.16).

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5. Private schools.
6. Electrical power substations, transmission lines and related towers; gas or oil transmission lines, pumping stations and appurtenances; unmanned telephone exchange centers; micro-wave and radio-wave transmission and relay towers, substations and appurtenances (reference 5.1.12).
7. Day care, child care or nursery facility (reference 5.1.6).
8. Mobile home subdivisions (reference 5.5).
9. Rest home, nursing home, convalescent home, orphanage or similar institution (reference 5.1.13).
10. Hospitals.
11. Professional offices.
12. Retail stores and shops on a single floor, compatible with the residential characteristics of the district, with a gross floor area not exceeding four thousand (4,000) square feet.
13. Home occupation, Class B (reference 5.2).
14. Churches. (Added 9-2-81)
15. Cemeteries. (Added 9-2-81)
16. Stand alone parking and parking structures (reference 4.12, 5.1.41). (Added 11-7-84; Amended 2-5-03)
17. Mobile home parks (reference 5.3). (Added 3-5-86)
18. Tier III personal wireless service facilities (reference 5.1.40). (Added 10-13-03)
19. Historical centers, historical center special events, historical center festivals (reference 5.1.42). (Added 6-8-05)
20. Farmers' markets (reference 5.1.47). (Added 5-5-10)

(§20-18.2.2, 12-10-80; 9-2-81; 11-7-84; 3-5-86; Ord. 03-18(1), 2-5-03; Ord. 04-18(2), 10-13-04; Ord. 05-18(7), 6-8-05; Ord. 10-18(4), 5-5-10)

18.3 AREA AND BULK REGULATIONS

Area and bulk regulations within the R-15, Residential, district are as follows:

REQUIREMENTS	STANDARD LEVEL		BONUS LEVEL	
	CONVENTIONAL DEVELOPMENT	CLUSTER DEVELOPMENT	CONVENTIONAL DEVELOPMENT	CLUSTER DEVELOPMENT
Gross density	15 du/acre	15 du/acre	20 du/acre	20 du/acre
Minimum Lot Size	(Added 7-17-85) 2,904 sq ft	N/A	2,178 sq ft.	N/A
The minimum and maximum yards, including those for garages, shall be as provided in section 4.19. (Amended 1-1-83)				
Maximum Structure height	65 feet	65 feet	65 feet	65 feet

(§ 20-18.3, 12-10-80, 6-11-08; 1-1-83; 7-17-85; Ord. 08-18(4), 6-11-08; Ord. 15-18(4), 6-3-15)

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18.4 BONUS FACTORS (REFERENCE 2.4)

(Amended 8-14-85)

18.4.1 ENVIRONMENTAL STANDARDS

For maintenance of existing wooded areas equal to: ten (10) percent to nineteen (19) percent of the site, a density increase of five (5) percent shall be granted; twenty (20) percent or greater of the site, a density increase of ten (10) percent shall be granted.

In order to qualify for this bonus, a conservation plan as specified in section 32.7.9 shall be required.

(§ 20-18.4.1, 12-10-80; 8-14-85; 9-9-92)

18.4.2 DEVELOPMENT STANDARDS

For dedication of land to public use not otherwise required by law, density may be increased as follows:

The acreage of the land dedicated and accepted shall be multiplied by twice the gross density-standard level, and the resulting number of dwellings may be added to the site, provided that the density increase shall not exceed fifteen (15) percent. The dedication shall be accepted by the board of supervisors prior to final approval.

For provision of road improvements to secondary or primary roads not otherwise required by this ordinance or Chapter 14 of the Code of Albemarle, a density increase up to twenty (20) percent shall be granted, to be agreed upon by the commission and the applicant, based upon the relative need for transportation improvements in the area. The need for such improvements shall be established by the Virginia Department of Highways and Transportation.

(§ 20-18.4.2, 12-10-80; 8-14-85)

18.4.3 AFFORDABLE HOUSING

For providing affordable housing units, a density increase of thirty (30) percent shall be granted, subject to the following:

- a. At least one-half of the additional housing units allowed by this density bonus shall be developed as affordable housing units.
- b. The initial sale price for sale units or the rental rate for a period of at least ten (10) years for rental units shall qualify as affordable housing under either the Virginia Housing Development Authority, Farmers Home Administration or Housing and Urban Development housing choice voucher program.
- c. If rental units, the developer shall enter into an agreement with the County of Albemarle restricting the rental rates of the affordable units for a period of at least ten (10) years or until the units are sold as affordable units, whichever comes first.
- d. If sale units, the developer shall provide the chief of housing with confirmation of the initial sale price for the affordable units prior to the issuance of building permits for the bonus units.
- e. Manufactured homes for rent in an approved manufactured home park shall be considered rental units under this section provided they qualify as affordable housing under the Housing and Urban Development housing choice voucher program.

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- f. Manufactured home lots for rent in an approved manufactured home park shall qualify for this bonus provided the developer enters into an agreement with the County of Albemarle that the lots shall be available for rent to manufactured home owners for a period of at least ten (10) years.
- g. Manufactured home lots for sale in an approved manufactured home subdivision shall qualify for this bonus provided the developer restricts the use of the lots to manufactured homes or other affordable housing for a period of at least ten (10) years.
- h. The decision to extend the periods beyond the ten (10) year minimum provided in subsections (b), (c), (f) and (g) shall be in the sole discretion of the developer.
- i. The occupancy of the affordable units shall be restricted to those households with incomes at or below eighty (80) percent of the area median income for for-sale units and at or below sixty (60) percent of the area median income for rental units. The chief of housing or his designee must approve all purchasers of for-sale units based on household income. Prior to issuance of the first certificate of occupancy for a building providing affordable rental units, the developer shall enter into a rental rate agreement with the county, approved by the county attorney, that delineates the terms and conditions pertaining to rental rates, occupancy and reporting during the minimum ten (10) year period.

(§ 18.4.3, 12-10-80; 8-14-85; 3-5-86; Ord. 07-18(2), 10-3-07)

18.4.4 The cumulative effect of density factors above may not exceed thirty-three (33) percent.

(§ 20-18.4.4, 12-10-80; 8-14-85)

18.5 CLUSTER DEVELOPMENT OPTION REGULATIONS

At the option of the owner, regulations under cluster development provisions in section 18.3 may be used for cluster development of the land to be subdivided and developed. Use of cluster provisions shall be subject to other requirements of this ordinance, applicable health requirements and the provisions of Chapter 14 of the Code of Albemarle.

(§ 20-18.5, 12-10-80; 8-14-85)

18.6 BUILDING SEPARATION

The minimum building separation shall be as provided in section 4.19.

(§ 20-18.6, 12-10-80; 1-1-83; Ord. 15-18(4), 6-3-15)

18.7 RECREATIONAL AREA REQUIREMENTS

See section 4.16 for recreation requirements.

(§ 20-18.7, 12-10-80; 3-5-86)

18.8 HEIGHT REGULATIONS

Except as otherwise provided in section 4.10, structures may be erected to a height not to exceed sixty-five (65) feet. The minimum setback requirements for any structure exceeding forty (40) feet or three (3) stories, whichever is less, in height shall be as provided in section 4.19.

(§ 20-18.8, 12-10-80, 8-14-85; 9- 9-92; Ord. 15-18(4), 6-3-15)