

*ALBEMARLE COUNTY CODE*

**CHAPTER 18**

**ZONING**

**SECTION 15**

**RESIDENTIAL - R-4**

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**15.1 INTENT, WHERE PERMITTED**

This district (hereafter referred to as R-4) is created to establish a plan implementation zone that:

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

R-4 districts may be permitted within community and urban area locations designated on the comprehensive plan. (Amended 9-9-92)

**15.2 PERMITTED USES**

**15.2.1 BY RIGHT**

The following uses shall be permitted subject to requirements and limitations of this ordinance:

1. Detached single-family dwellings.
2. Side-by-side duplexes 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. Other two-family dwellings shall be permitted provided density is maintained.

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3. Semi-detached and attached single-family dwellings such as triplexes, quadruplexes, 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.
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 lay-out.
6. (Repealed 9-2-81)
7. (Repealed 9-2-81)
8. 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. (Amended 5-12-93)
9. Accessory uses and buildings including home occupation, Class A (reference 5.2) and storage buildings.
10. Temporary construction uses (reference 5.1.18).
11. 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)
12. Tourist lodgings (reference 5.1.17).
13. Homes for developmentally disabled persons (reference 5.1.07).
14. Stormwater management facilities shown on an approved final site plan or subdivision plat. (Added 10-9-02)
15. Tier I and Tier II personal wireless service facilities (reference 5.1.40). (Added 10-13-04)

(§ 20-15.2.1, 12-10-80; 9-2-81; 11-1-89; 5-12-93; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04)

### **15.2.2 BY SPECIAL USE PERMIT**

The following uses shall be permitted only by special use permit approved by the board of supervisors pursuant to section 31.2.4:

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).

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4. Swim, golf, tennis, or similar athletic facilities (reference 5.1.16).
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. Home occupation, Class B (reference 5.2).
12. Churches. (Added 9-2-81)
13. Cemeteries. (Added 9-2-81)
14. Mobile home parks (reference 5.3). (Added 3-5-86)
15. Stand alone parking and parking structures (reference 4.12, 5.1.41) (Added 2-5-03)
16. Tier III personal wireless service facilities (reference 5.1.40). (Added 10-13-04)
17. Historical centers, historical center special events, historical center festivals (reference 5.1.42). (Added 6-8-05)

(§ 20-15.2.2, 12-10-80; 9-2-81; 3-5-86; Ord. 03-18(2), 2-5-03; Ord. 04-18(2), 10-13-04; Ord. 05-18(7), 6-8-05)

**15.3 AREA AND BULK REGULATIONS (Amended 3-18-81)**

Area and bulk regulations within the R-4, Residential, district are as follows:

| REQUIREMENTS  | STANDARD LEVEL                  |                     | BONUS LEVEL              |                     |
|---|---------------------------------|---------------------|--------------------------|---------------------|
|   | CONVENTIONAL DEVELOPMENT        | CLUSTER DEVELOPMENT | CONVENTIONAL DEVELOPMENT | CLUSTER DEVELOPMENT |
| Gross density   | 4 du/acre                       | 4 du/acre           | 6 du/acre                | 6 du/acre           |
| Minimum Lot Size  | (added 7-17-85)<br>10,890 sq ft | N/A                 | 7,260 sq ft.             | N/A                 |
| Yards, minimum:   |                                 |                     |                          |                     |
| Front   | 25 feet                         | 25 feet             | 25 feet                  | 25 feet             |
| Side <sup>(a)</sup>   | 15 feet                         | 15 feet             | 15 feet                  | 15 feet             |
| Rear  | 20 feet                         | 20 feet             | 20 feet                  | 20 feet             |
| (a) Minimum side yards may be reduced to not less than ten (10) feet in accordance with section 4.11.3, provided that minimum side yards may be reduced to zero (0) feet on one side in zero lot line developments in accordance with section 4.11.3 and are approved under chapter 14. (Amended 1-1-83; 6-11-08) |                                 |                     |                          |                     |
| Maximum Structure height  | 35 feet                         | 35 feet             | 35 feet                  | 35 feet             |

(§ 20-15.3, 12-10-80; 1-1-83; 7-17-85; Ord. 08-18(4), 6-11-08)

**15.4 BONUS FACTORS (REFERENCE 2.4)**

**15.4.1 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. (Amended 8-14-85; 9-9-92)

**15.4.2 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. (Amended 8-14- 85)

**15.4.3 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. (Amended 10-3-07)
- 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. (Amended 10-3-07)
- 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. (Amended 10-3-07)
- 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. (Amended 8-14-85; 10-3-07)
- 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. (Added 3-5-86; Amended 10-3-07)
- 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. (Added 3-5-86; Amended 10-3-07)

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- 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. (Added 3-5-86; Amended 10-3-07)
- 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. (Added 10-3-07)
- 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. (Added 10-3-07)

(§ 15.4.3, 12-10-80; 8-14-85; 3-5-86; Ord. 07-18(2), 10-3-07)

15.4.4 The cumulative effect of density factors above may not exceed fifty (50) percent (Amended 8-14-85)

### **15.5 CLUSTER DEVELOPMENT OPTION REGULATIONS**

At the option of the owner, regulations under cluster development provisions in section 15.3 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. (Amended 8-14-85)

### **15.6 BUILDING SEPARATION**

In any case in which there is more than one main structure on any parcel, there shall be a minimum of thirty (30) feet between such structures except as otherwise provided in section 4.11.3. This provision shall not apply to structures built to a common wall. (Added 1-1-83) (Amended 8-14-85)

### **15.7 RECREATIONAL AREA REQUIREMENTS**

See section 4.16 for recreation requirements. (Amended 3-5-86)