

Adopted by City Council on June 15, 2015

**AN ORDINANCE
AMENDING AND REORDAINING SECTION 34-12 OF ARTICLE I
OF CHAPTER 34 (ZONING) OF THE CODE OF THE
CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, TO CHANGE THE
DEFINITION OF AFFORDABLE DWELLING UNIT.**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Section 34-12 of Article I (Administration) of Chapter 34 (Zoning) of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained as follows:

Sec. 34-12. Affordable dwelling units.

- (a) Upon approval of a rezoning or special use application approving a residential project, or the residential portion of a mixed-use project with a density equal to or greater than 1.0 floor-area ratio (FAR), or an equivalent density based on units per acre, the applicant shall provide on-site affordable dwelling units as part of the project, and the total gross square footage of such units shall be five (5) percent of the amount of the gross floor area of the project that exceeds 1.0 FAR or an equivalent density based on units per acre.
- (b) For purposes of this section, "applicant" shall mean the person or entity submitting a rezoning or special use application for approval of a residential or mixed-use project that contains residential dwelling units in the city and shall include the successors or assigns of the applicant.
- (c) For purposes of this section, "affordable dwelling units" ~~mean units committed for a thirty-year term as~~ means dwelling units that are affordable to households with incomes at sixty (60) percent or less not more than 80 percent of the area median income and that are committed to remain affordable for a term of not more than 30 years. However, the city may establish a minimum term as it deems necessary to ensure the establishment of committed Affordable Dwelling Units provided pursuant to subsection (a), above, or (d)(1), below.
- (d) As an alternative, upon approval of a rezoning or special use application approving a residential project, or the residential portion of a mixed-use project with a density equal to or greater than 1.0 FAR, or an equivalent density based on units per acre, the applicant may elect to provide any one (1) of the following:
 - (1) Affordable dwelling units at an off-site location in the city, the total gross square footage of such units shall be five (5) percent of the amount of the gross floor area of the project that is over 1.0 FAR, or an equivalent density based on units per acre; or
 - (2) A cash contribution to the city's affordable housing fund, which contribution shall be calculated as follows for each of the density tiers described below:
 - a. Two dollars (\$2.00) per square foot of gross floor area for residential projects greater than 1.0 FAR or an equivalent density based on units per acre.

- b. For mixed-use projects, cash contributions shall be calculated by applying the proportionate amount of residential gross floor area at two dollars (\$2.00) per square foot.
- (e) The cash contribution shall be indexed to the Consumer Price Index for Housing in the South Urban Region as published by the Bureau of Labor Statistics and shall be adjusted annually based upon the changes made in January to such index.
- (f) Except as otherwise provided, upon approval of a rezoning or special use permit that is subject to this section, any site plan submitted for review in conjunction therewith shall be acted upon by the director of neighborhood development services or planning commission within twenty-one (21) days after the date such plan was officially submitted.
- (g) The city council may from time to time adopt regulations by resolution, for the administration of the provisions of this section. Pursuant to section 34-82(b)(1), the failure of any person to comply with such regulations shall constitute unlawful conduct in violation of this section.