

ACTIONS
Board of Supervisors Meeting of July 13, 2005

July 14, 2005

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
1. Call to Order. <ul style="list-style-type: none"> Meeting was called to order at 6:00 p.m. by the Vice-Chairman, Mr. Boyd. All BOS members were present except Mr. Rooker. Also present were Tom Foley, Larry Davis, and Debi Moyers. 	
4. From the Public: Matters Not Listed on the Agenda. <ul style="list-style-type: none"> There were none. 	
5.2 Record Retention/Destruction of Records: Authorization to dispose of Tax Records. <ul style="list-style-type: none"> AUTHORIZED staff to dispose of tax records for the period of July 1, 1992 through June 30, 2000. 	<u>Finance</u> : Proceed as directed.
5.3 2005 First Quarter Building Report as prepared by the Department of Community Development. <ul style="list-style-type: none"> Mr. Boyd said it would be beneficial to see the first section, "Comparison of Residential Dwelling Units by Month" broken down into inside and outside the development area. 	<u>Community Development</u> : Proceed as requested.
5.4 Copy of Albemarle County Service Authority's Fiscal Year 2006 Budget. <ul style="list-style-type: none"> Mr. Boyd asked for information on the fund balance and the reserves. 	<u>Tom Foley</u> : Provide information.
5.5 Copy of August 6, 2003 Board minutes and Executive Summary, re: Cable Television Franchise. <ul style="list-style-type: none"> Ms. Thomas said she heard from a senior citizen that if your local government makes a request, the cable company can offer senior citizens a discount. Mr. Davis said he would look into it. Mr. Boyd asked if Board meetings could be televised on cable without a franchise. Mr. Foley said staff can come back with alternatives. 	<u>County Attorney</u> : Provide information. <u>Tom Foley</u> : Provide information.
6. ZTA-1999-006. Special Events. <ul style="list-style-type: none"> ADOPTED ZTA-1999-006, by a vote of 5:0, as recommended by the Planning Commission. 	<u>Clerk</u> : Forward signed copy of Ordinance to County Attorney's Office, David Benish and Amelia McCulley. (Attachment 1)
7. ZMA-2005-009. Briarwood (Signs #89,92#94) <ul style="list-style-type: none"> APPROVED ZMA-2005-009, by a vote of 5:0, to amend the application plan to show setbacks and building separation as follows: Front setback: 20 feet, Side setback: 6 feet, Rear setback: 5 feet, and Building Separation: 12 feet. 	
8. Update: Subdivision Ordinance – Overlot Grading. <ul style="list-style-type: none"> Mark Graham provided update. Said staff will come back in September with the working group's final recommendation to the Board. 	
9. Discussion: FY 2006 Charlottesville Transit Service (CTS) Funding.	<u>OMB</u> : Proceed as directed.

	<ul style="list-style-type: none"> • DISCUSSED. RECOMMENDED that the following appropriations be brought back to the Board on the next agenda: • \$16,430.00 for improvements to Route 5 and Route 10. • \$16,942.00 for continuation of night service on Route 23. • \$20,000.00, in one time funds, to support the update of the Transit Development Plan. • Supported staff's recommendation that the County not provide funding to replace lost grant funds on Route 20 due to low ridership. 	
10.	<p>Appointment: Commission on Children and Families.</p> <ul style="list-style-type: none"> • APPOINTED Sara Dansey to Commission on Children and Families with said term to expire June 30, 2007. 	Clerk: Prepare appointment letter, update Boards and Commissions book and notify appropriate persons.
11.	<p>From the Board: Matters Not Listed on the Agenda.</p> <p><u>Lindsay Dorrier:</u></p> <ul style="list-style-type: none"> • Said the reflector lights on the center line on Route 20 to Scottsville are making a big difference. VDOT has installed "Slow" signage at the Walton School entrance which will help. Carter's Bridge is still being repaired. <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> • Informed the Board about an informational meeting being held on July 20, 2005, 7:00 p.m. in the Main Conference Room at COB-5th Street with DEQ representatives concerning the Moores Creek Sewage Treatment Plant. It is not a public hearing but open to all citizens. <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> • Asked about two budget items that were set aside while staffing was working on a proposal. One was the continuation of health insurance for retirees. Mr. Foley said OMB is still working on that issue. They hope to have that information in September. • The requests for improvements to the Stony Point Fire Department building. Staff is supposed to be working on a formula on how the County might deal with that. Mr. Foley said staff has been through a first draft and decided to get more input from the chiefs and captains before coming forward to the Board. Plan to bring it forward to the Board in September. • Inquired about work session on Belvedere Subdivision. Mr. Foley said the Clerk is working on scheduling that. 	
12.	<p>Adjourn.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 7:40 p.m. 	

/djm

Attachment 1 – Ordinance ZTA-1999-006

ORDINANCE NO. 05-18(8)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, ARTICLE II, BASIC REGULATIONS, AND ARTICLE III, DISTRICT REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article I, General Provisions, Article II, Basic Regulations, and Article III, District Regulations, of the Code of the County of Albemarle are amended and reordained as follows:

By Amending:

- Sec. 3.1 Definitions
- Sec. 4.12.6 Minimum number of required parking spaces for scheduled uses
- Sec. 10.2.2 By special use permit

By Adding:

- Sec. 5.1.43 Special events

Chapter 18. Zoning

Article I. General Provisions

Sec. 3.1 Definitions

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Special event: An event authorized by section 10.2.2(50) that is typically conducted on a single day, but which may be conducted for up to three (3) consecutive days, for which attendance is permitted only by invitation or reservation; *special events* include, but are not limited to, meetings, conferences, banquets, dinners, weddings and private parties.

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Article II. Basic Regulations

Sec. 4.12.6 Minimum number of required parking spaces for scheduled uses

Except when alternative parking is approved as provided in section 4.12.8, the following schedule shall apply to determine the number of required off-street parking spaces to be provided in a particular situation. If a particular use is not scheduled, then section 4.12.7 shall apply.

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Special events: One (1) space per two and one-half (2.5) participants, plus one (1) space per employee (includes staff, caterers, musicians and vendors).

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Sec. 5.1.43 Special events.

Each special event authorized by section 10.2.2(50) shall be subject to the following:

- a. *Eligibility and applicability.* Special events may be authorized on those parcels in the Rural Areas (RA) zoning district on which there is an existing and ongoing by-right (section 10.2.1) primary use. A special event special use permit issued under section 10.2.2(50) and this section shall not be required for special events associated with farm wineries or historical centers, or for events determined by the zoning administrator to be accessory to a primary use of the parcel.

- b. *Information to be submitted with application for special use permit.* In addition to any information otherwise required to be submitted for a special use permit, each application for a special use permit shall include the following:
1. *Concept plan.* A preliminary schematic plan (the “concept plan”) satisfying section 32.4.1. The concept plan shall identify the structure(s) to be used for the special event, include the area of the structure(s) in which the proposed special events will be conducted, the parking area, and the entrance to the site from the street. The concept plan shall address, in particular, provisions for safe and convenient access to and from the street, the location of the parking area, the location of portable toilets if they may be required, proposed screening as required by this section for parking areas and portable toilets, and information regarding the exterior appearance of the proposed site. Based on the concept plan and other information submitted, the board of supervisors may then waive the requirement for a site plan in a particular case, upon a finding that the requirement of a site plan would not forward the purposes of this chapter or otherwise serve the public interest.
 2. *Information from the Virginia Department of Health.* The applicant shall submit written comments from the Virginia Department of Health regarding the private water supply and the septic disposal system that will serve the proposed special event site, the ability of the water supply and the septic disposal system to handle the proposed events, and the need to improve the supply or the system in order to handle the proposed events.
 3. *Building and fire safety.* The building official and the county department of fire and rescue shall review and comment on the application, identifying all Virginia Uniform Statewide Building Code and Virginia Statewide Fire Prevention Code issues and requirements.
- c. *Zoning compliance clearance.* The applicant shall obtain a zoning compliance clearance prior to conducting a special event. A single zoning clearance may be obtained for one (1) or more such special events in a calendar year as follows:
1. The zoning administrator may issue a single zoning compliance clearance for more than one (1) special event if: (i) the application submitted by the applicant includes the required information in subsection 5.1.43(c)(3) for each special event to be covered by the zoning compliance clearance; (ii) the zoning administrator determines that each special event is substantially similar in nature and size; and (iii) the zoning administrator determines that a single set of conditions that would apply to each such special event may be imposed with the zoning compliance clearance.
 2. The applicant shall apply for a zoning compliance clearance at least thirty (30) days prior to the date of the first special event to be authorized by the zoning compliance clearance. The application shall be submitted to the zoning administrator, who shall forward copies of the application to the county police department, the county building official, the county department of fire and rescue, and the local office of the Virginia Department of Health. As part of his review, the building official shall determine whether the structure(s) proposed to be used for the special events satisfies the requirements of the Virginia Uniform Statewide Building Code for that use.
 3. The application shall describe the nature of each special event to be authorized by the zoning compliance clearance, the date or dates and hours of operation of each such special event, the facilities, structures to be used, and the number of participants and support staff expect to attend each special event.

4. Upon a determination that all requirements of the zoning ordinance and all conditions of the special use permit are satisfied, and imposing all conditions of such approval required by the offices identified in subsection 5.1.43(c)(2), the zoning administrator shall issue a zoning compliance clearance for one or more special events. The validity of the zoning compliance clearance shall be conditional upon the applicant's compliance with all requirements of the zoning ordinance, all conditions of the approved special use permit, the approved concept plan or site plan, and all conditions imposed by the zoning compliance clearance.
- d. *Special events sites and structures.* In addition to all other applicable requirements of this chapter, special events sites and structures shall be subject to the following:
1. *Structures used for special events.* Each structure used for a special event shall satisfy the following: (i) the structure shall have been in existence on the date of adoption of this section 5.1.43, provided that this requirement shall not apply to accessory structures less than one hundred fifty (150) square feet in size; (ii) the structure shall be a lawful conforming structure and shall support or have supported a lawful use of the property; and (iii) modifications to farm buildings or farm structures as those terms are defined in Virginia Code § 36-97 shall allow the structure to revert to an agricultural use, as determined by the building official.
 2. *Minimum yards.* Notwithstanding any other provision of this chapter, the minimum front yard shall be seventy-five (75) feet. The minimum side yard shall be twenty-five feet (25) feet. The minimum rear yard shall be thirty-five (35) feet. All yards shall be measured from structures and off-street parking areas. These minimum yard requirements shall apply to all accessory structures established after the effective date of this section 5.1.43 and all tents, parking areas and portable toilets used in whole or in part to serve special events.
 3. *Parking.* The number of off-street parking spaces for a special event shall be as required in section 4.12.6. Notwithstanding section 4.12.15(a) through (g), the additional parking area(s) for special events shall consist of or be constructed of pervious materials including, but not limited to stabilized turf, approved by the county engineer. Asphalt and impervious materials are prohibited. If the parking area is on grass or in a field, the applicant shall reseed and restore the parking area site as required by the zoning administrator. In addition to the requirements of section 4.12.5, the parking area shall be onsite and screened from abutting parcels by topography, structures or new or existing landscaping. Notwithstanding section 4.12.16(d) and (e), the delineation of parking spaces and the provision of bumper blocks shall not be required.
 4. *Water and sewer.* The private water supply and septic disposal system serving a special event shall be approved by the Virginia Department of Health.
 5. *Streets and access.* Streets serving the site shall be adequate for anticipated traffic volume for a special event. Access from the street onto the site shall be adequate to provide safe and convenient access to the site, and applicant shall install all required improvements and provide adequate sight distance in order to provide safe and convenient access.
- e. *Special events operations.* In addition to all other applicable requirements of this chapter, special events operations shall be subject to the following:
1. *Number of participants.* The number of participants at a special event at any one time shall not exceed one hundred fifty (150) persons

2. *Number of special events per year.* The special use permit shall identify the number of approved special events per calendar year, which number shall not exceed twenty-four (24).
 3. *Signs.* Permanent and temporary signs advertising a special event shall be permitted as provided in sections 4.15.4 and 4.15.8.
 4. *Food service.* No kitchen facility permitted by the Virginia Department of Health as a commercial kitchen shall be allowed on the site. A kitchen may be used by licensed caterers for the handling, warming and distribution of food, but not for cooking food, to be served at a special event.
 5. *Portable toilets.* If required, portable toilets are permitted on the site, provided that they comply with the yard requirements in section 5.1.43(d)(2) and shall be screened from that parcel and any street by topography, structures or new or existing landscaping.
- f. *Prohibition of development to a more intensive use.* A parcel subject to a special events special use permit shall not be subdivided so as to create one or more parcels, including the parent parcel, of less than twenty-one acres in size without first amending the special use permit to expressly authorize the subdivision. If a parcel is so subdivided without first amending the special use permit, special events shall thereafter be prohibited on the resulting parcels unless a new special use permit is obtained.

Article III. District Regulations

Sec. 10.2.2 By special use permit

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50. Special events (reference 5.1.43).