

ACTIONS
Board of Supervisors Meeting of June 11, 2008

June 12, 2008

| <u>AGENDA ITEM/ACTION</u> | <u>ASSIGNMENT</u> |
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| <p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 3:31 p.m., in Room 241, by the Chairman, Mr. Boyd. All BOS members were present. Also present were Bob Tucker, Larry Davis, Ella Jordan and Meagan Hoy. | |
| <p>2. Discussion and Action: ZTA-2007-005. Downtown Crozet District (DCD).</p> <ul style="list-style-type: none"> ADOPTED ZTA-2007-005 [Ordinance #08-18(3)], by a vote of 6:0. | <p><u>Clerk:</u> Forward copy of adopted ordinance to County Attorney's office and Community Development. (Attachment 1)</p> |
| <p>3. Discussion and Action: ZMA-2008-002. Downtown Crozet District (DCD).</p> <ul style="list-style-type: none"> APPROVED ZMA-2008-002, by a vote of 6:0, as reflected in Resolution and shown on the boundary map dated June 2008. Requested a report back to the Board in Spring 2009 on how the assessments have changed once the Real Estate Department recognizes new zoning. | <p><u>Clerk:</u> Forward copy of adopted resolution to County Attorney's office and Community Development. (Attachment 2)</p> <p><u>Bruce Woodzell:</u> Provide information.</p> |
| <p>4. Work Session: Policy Regarding Board Minutes.</p> <ul style="list-style-type: none"> MOVED, 5:1((Boyd), that the Board reaffirm its commitment to near-verbatim minutes, and in an effort to get caught up with the eight month backlog and to insure moving forward in producing the minutes in a two-month timely basis, the Board agree in principle to increase the Clerk's budget by as much as \$35,000 from the Board's reserve, subject to Mr. Tucker bringing an appropriation back to the Board. | <p><u>County Executive/Clerk:</u> Move forward as approved.</p> |
| <p>5. FY07–FY10 Strategic Plan – June 2008 Update.</p> <ul style="list-style-type: none"> Requested staff collaborate with the Jail as part of strategic development. Supported the updated Strategic Plan and the addition of the proposed public safety strategic objective as recommended by staff. | <p><u>Lori Allshouse:</u> Proceed as directed.</p> |
| <p>6. Recess.</p> <ul style="list-style-type: none"> At 5:07 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to conduct an administrative evaluation. | |
| <p>7. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called back to order at 6:07 p.m., by the Chairman, Mr. Boyd, at which time the Board certified the Closed Meeting. | |
| <p>10. From the Board: Matters Not Listed on the Agenda. <u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Residents in Crozet should contact her or Donna Shaunesey at JAUNT if they have an interest in commuter bus service from Crozet to Charlottesville. Suggested Board members speak with their representatives on the ACSA to consider going to | |

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| <p>more detailed minutes of their meetings, and to make sure the ACSA minutes are forwarded to the Board on a regular basis.</p> <ul style="list-style-type: none"> • Asked for information on a regularly basis about sales tax receipts as the economy goes forward. <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> • Mentioned the upcoming transportation special session of the General Assembly whereby they will be looking at cuts to transportation funding. He asked for Board support in drafting a letter to the Legislators sending an analysis of how these bills would affect the County. <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> • There was a RideShare event held in the County Office Buildings yesterday (June 10), and it went very well. She encouraged the public to contact RideShare if they have a need for it. | |
| <p>11. From the Public: Matters not Listed on the Agenda.</p> <ul style="list-style-type: none"> • Bernard Williams asked the Board to vote in favor of dredging the Rivanna Reservoir, and to also look at routine maintenance of all water facilities and resources. • Nicholas Lang suggested enlarging the Ragged Mountain Reservoir and regular maintenance of the South Fork Rivanna River. • Margareta Douglas of Rivanna Farm urged the Board to conduct a maintenance study of the Reservoir. • Sam Freilich, Thomas Jones, Karen Pape and Kevin Lynch spoke in support of dredging the Reservoir. | |
| <p>12.4 Resolution Supporting A Study of the Maintenance of the South Fork Rivanna Reservoir and Efforts to Promote Water Conservation.</p> <ul style="list-style-type: none"> • ADOPTED, by a vote of 6:0, the attached resolution. | <p><u>Clerk:</u> Forward resolution to Rivanna Water and Sewer Authority and the City of Charlottesville. (Attachment 3)</p> |
| <p>13. <u>PROJECT: SP-2007-056. Rivanna Plaza.</u></p> <ul style="list-style-type: none"> • APPROVED SP-2007-056, by a vote of 6:0, subject to the two conditions recommended by the Planning Commission and staff. | <p><u>Clerk:</u> Set out conditions of approval. (Attachment 4)</p> |
| <p>14. <u>PROJECT: SP-2008-07. Lebanon Evangelical Presbyterian Church (Sign # 8).</u></p> <ul style="list-style-type: none"> • APPROVED, SP-2008-007, by a vote of 6:0, subject to the five conditions recommended by the Planning Commission and staff and modified at the Board meeting. | <p><u>Clerk:</u> Set out conditions of approval. (Attachment 4)</p> |
| <p>15. <u>PROJECT: ZTA-2007-001. Zero Lot Lines.</u></p> <ul style="list-style-type: none"> • ADOPTED ZTA-2007-001, by a vote of 6:0, amendment dated May 6, 2008. | <p><u>Clerk:</u> Set out adopted Ordinance and forward signed copy to County Attorney's office and Community Development. (Attachment 5)</p> |
| <p>16. <u>Public Hearing: To consider an ordinance to amend Chapter 4, Animals and Fowl, of the Albemarle County Code.</u></p> <ul style="list-style-type: none"> • ADOPTED Ordinance 08-4(1), by a vote of 4:2 (Boyd, Dorrier) as modified at the Board meeting. • Board requested a progress report in one year. | <p><u>Clerk:</u> Set out adopted Ordinance and forward signed copy to County Attorney's office and Police Department. (Attachment 6)</p> |
| <p>17. From the Board: Matters Not Listed on the Agenda. <u>Sally Thomas:</u></p> | |

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| <ul style="list-style-type: none"> • Asked about consent agenda item #12.2, (Application of Virginia Electric and Power Company) and if this would raise individual home owner's electric bill. Mr. Davis responded that staff does not provide an analysis of these type issues. Ms. Thomas suggested asking VACo to study it. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Asked for a report on the Airport and Chris Green Lake, specifically on environmental quality and the water quality of Chris Green. She also has concerns/questions about the runway extension, and would like an update on the grade when it is available. | |
| <p>18. Adjourn to June 18, 2008, 12:00 noon, Room 241, for Luncheon with School Board.</p> <ul style="list-style-type: none"> • At 9:31 p.m., the Board moved to adjourn to June 18, 2008, 12:00 noon for quarterly luncheon with School Board. | |

ewj/mrh

Attachment 1 – ZTA-2007-005 - Ordinance #08-18(3)

Attachment 2 – ZMA-2008-002 – Resolution

Attachment 3 - Resolution Supporting A Study of the Maintenance of the South Fork Rivanna Reservoir and Efforts to Promote Water Conservation

Attachment 4 – Conditions of Approval – Planning Items

Attachment 5 – Ordinance - ZTA-2007-001. Zero Lot Lines

Attachment 6 – Ordinance 08-4(1)

ORDINANCE NO. 08-18(3)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, 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 Regulations, and Article III, District Regulations, are hereby amended and reordained as follows:

By Amending:

Sec. 3.1 Definitions

By Adding:

- Sec. 20B.1 Purpose and intent
- Sec. 20B.2 Permitted uses
- Sec. 20B.3 Area and bulk regulations
- Sec. 20B.4 Parking
- Sec. 20B.5 Landscaping
- Sec. 20B.6 Outdoor lighting
- Sec. 20B.7 Sidewalks and street trees

**Chapter 18. Zoning
Article I. General Provisions**

Sec. 3.1 Definitions

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Cultural arts center: An establishment for the presentation of art, scientific, cultural or historical materials, music, or live theatrical or musical productions, and which may include but are not limited to museums, noncommercial art galleries, arboreta, aquariums, botanical or zoological gardens, auditoriums, and music conservatories.

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Outdoor performance area: A place of open-air (outdoor) assembly, consisting of a central space or stage for performances, which may be open to the sky or partially covered or enclosed.

...

Research and development: A facility primarily used for the administration and conduct of investigation, examination, prototype production, experimentation, testing, and/or training aimed at the discovery and interpretation of facts, theories, and/or the practical application of the above to products or processes.

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Stepback: A building setback of a specified distance that occurs at a prescribed number of stories or feet above the ground.

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Story: That portion of a building, having more than one-half (1/2) of its height above grade, included between the surface of any floor and the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it.

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Article III. District Regulations
Section 20B Downtown Crozet District – DCD

Sec. 20B.1 Purpose and intent

The purpose of the Downtown Crozet District (hereinafter referred to as the “DCD”) is to establish a district in which traditional downtown development, as described for the CT6 Urban Core and CT5 Urban Center transects in the Crozet master plan, will occur.

To these ends, the DCD provides for flexibility and variety of development for retail, service, and civic uses with light industrial and residential uses as secondary uses. The regulations for the DCD are intended to promote a development form and character that is different from typical suburban development allowed by conventional zoning, and are also intended to: (i) promote the economic and social vitality and diversity of downtown Crozet; (ii) implement the Crozet master plan for the downtown area of Crozet so that it may serve as the commercial hub of Crozet and its environs; (iii) provide a greater mix of uses in downtown Crozet, including increased employment; (iv) facilitate infill and redevelopment; (v) increase the utility of the land; (vi) retain the uniquely diverse character of Crozet; and (vii) promote a pedestrian-friendly environment.

These regulations are intended to provide maximum flexibility in establishing uses and structures in order to implement the relevant policies of the Crozet master plan. Accordingly, although the DCD permits uses that are commercial and light industrial in character, neither sections 21 nor 26 of this chapter apply to the DCD.

Sec. 20B.2 Permitted uses

The following uses shall be permitted in the DCD, subject to the regulations in this section:

- A. *By right uses; retail and service.* The following retail and service uses are permitted by right:
1. Antique, gift, jewelry, notion and craft shops.
 2. Automobile, truck repair shops excluding body shops.
 3. Barber, beauty shops.
 4. Clothing, apparel and shoe shops.
 5. Commercial recreation establishments including, but not limited to, amusement centers, bowling alleys, pool halls and dance halls.
 6. Convalescent homes (reference 5.1.13).
 7. Convenience stores.
 8. Department stores.
 9. Drug stores, pharmacies.
 10. Factory outlet stores, clothing and fabric.
 11. Farmers’ markets (reference 5.1.36).
 12. Feed and seed stores (reference 5.1.22).
 13. Financial institutions.
 14. Fire extinguisher and security products sales and service.

15. Florists.
16. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
17. Funeral homes.
18. Furniture and home appliances sales and service.
19. Hardware stores.
20. Health spas.
21. Hotels, motels and inns.
22. Indoor athletic facilities.
23. Laboratories, medical or pharmaceutical.
24. Laundries, dry cleaners.
25. Musical instrument sales and repair.
26. New automotive parts sales.
27. Newspaper publishing.
28. Newsstands, magazines, pipe and tobacco shops.
29. Nursing homes (reference 5.1.13).
30. Office and business machines sales and service.
31. Optical goods sales and service.
32. Photographic goods sales and service.
33. Research and development activities, including experimental testing, subject to the performance standards stated in section 4.14 of this chapter.
34. Restaurants.
35. Retail nurseries and greenhouses.
36. Service stations.
37. Sporting goods sales.
38. Tailors and seamstresses.
39. Temporary construction uses (reference 5.1.11).
40. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
41. Tourist lodging.
42. Visual and audio appliances.

B. *By right uses; office.* The following office uses are permitted by right:

1. Medical centers.
2. Offices.
3. Temporary construction uses (reference 5.1.11).

C. *By right uses; public and civic.* The following public and civic uses are permitted by right:

1. Churches.
2. Clubs, lodges, civic, fraternal, patriotic (reference 5.1.02).
3. Conference centers, outdoor auditoriums, public art or kiosks.
4. Cultural arts centers.
5. Day care centers (reference 5.1.06).
6. 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.
7. Fire and rescue squad stations (reference 5.1.09).
8. Libraries.
9. Outdoor performance areas.
10. Parking structures and stand alone parking structures (reference 4.12 and 5.1.41).
11. Private schools.
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).
13. Temporary construction uses (reference 5.1.11).
14. Theaters, live and movie, including multi-screen movie theaters.

D. *By right uses; residential.* The following residential uses are permitted by right, provided that the first floor of the building in which the residential use exists is designed for and occupied only by a use permitted by subsections 20B.2(A), (B), (C) or (E):

1. Apartments, either as a single-family dwelling or as a multiple-family dwelling.

2. Attached single-family dwellings such as townhouses.
3. Boarding houses.
4. Condominiums.
5. Group homes (reference 5.1.07).
6. Tourist lodging within detached single-family dwellings existing on June 4, 2008.
7. Dwellings occupied by the owner or employees of a permitted commercial use, and their families (reference 5.1.21).

E. *By special use permit.* The following uses are permitted by special use permit:

1. Body shops (reference 5.1.31).
2. Buildings more than fifty (50) feet or four stories in height, up to seventy (70) feet or six (6) stories in height, provided the increased height allows the provision of a demonstrated public benefit, such as providing affordable housing or parking.
3. Buildings one story in height.
4. Car washes.
5. Compounding of drugs, including biological products, medical and chemical as well as pharmaceutical.
6. Detached single-family dwelling, provided that there is no other use permitted by subsections 20B.2(A), (B), (C) or (E) on the same lot.
7. Drive-in windows.
8. 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).
9. Hospitals.
10. Manufacturing, processing, fabricating, assembling, and distributing products including, but not limited to:
 - Artists' supplies and equipment.
 - Business, office machines and equipment.
 - Cosmetics, including perfumes, perfumed toiletries and perfumed toilet soap.

- Drafting supplies and equipment.
 - Electrical lighting and wiring equipment.
 - Electrical and electronic equipment and components including radio, telephone, computer, communication equipment, TV receiving sets, phonographs.
 - Food products, such as bakery goods, dairy products, candy, beverages, including bottling plants.
 - Gifts, novelties including pottery, figurines and similar ceramic products.
 - Glass products made of purchased glass.
 - Industrial controls.
 - Jewelry, silverware.
 - Light machinery and machine parts, including electrical household appliances but not including such things as clothes washers, dryers and refrigerators.
 - Musical instruments.
 - Paper products such as die-cut paperboard and cardboard, sanitary paper products, bags and containers.
 - Photographic equipment and supplies including processing and developing plant.
 - Rubber, metal stamps.
 - Small electrical parts such as coils, condensers, transformers, crystal holders.
 - Surgical, medical and dental instruments and supplies.
 - Toys, sporting and athletic equipment, except firearms, ammunition or fireworks.
 - Watches, clocks and similar timing devices.
 - Wood cabinets and furniture, upholstery.
11. Publishing, printing, lithography and engraving, including but not limited to newspapers, periodicals and books.
 12. Preparation of printing plates including typesetting, etching and engraving.
 13. Stand-alone parking (reference 4.12).
 14. Storage yards.
 15. Tier III personal wireless service facilities (reference 5.1.40).
 16. Towing and storage of motor vehicles (reference 5.1.32).

17. Veterinary offices and animal hospitals.

F. *Accessory uses and structures.* Accessory uses and structures are permitted, including but not limited to: (i) home occupations, Class A and Class B (reference 5.2) for primary residential uses; (ii) storage buildings for primary residential and non-residential uses; (iii) outdoor performance areas for primary cultural arts center uses; and (iv) prototype manufacturing for research and development uses.

Sec. 20B.3 Area and bulk regulations

Area and bulk regulations within the DCD are as follows:

A. *Area and bulk regulations, generally.* Any buildings, structures and improvements established on and after June 11, 2008 and to which subsection 20B.3(B) does not apply, shall be subject to the following area and bulk regulations and subsections 20B.3(C) through (J):

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| <p>Building Setbacks (See Figure 1) Front-Minimum Front-Maximum</p> <p>Side-Minimum except from accessway or alley Side-Minimum from accessway or alley Side-Maximum (See Figure 2)</p> <p>Rear (Minimum)</p> | <p>1 foot 10 feet, except up to 20 feet with administrative modification (See subsection 20B.3(H))</p> <p>0 feet 3 feet, except 1 foot within a building façade break 20 feet, except with administrative waiver (See subsection 20B.3(H))</p> <p>0 feet</p> <p>See also subsection 20B.3(C) for corner lots</p> |
| <p>Parking Setbacks Front-Minimum-As a primary use (stand alone parking) Front-Minimum-As an accessory use</p> <p>Side-Minimum-As a primary use (stand alone parking) Side-Minimum-As an accessory use</p> <p>Rear (Minimum)</p> | <p>Same as maximum front building setback (10 feet, except up to 20 feet with modification (See subsection 20B.3(J)) No closer to the right-of-way than any existing or proposed primary structure on the lot. Parking areas shall be located to the rear and/or side of the primary structures, as viewed from the right-of-way to which the lot abuts. On corner lots, the parking areas shall be located to the side or rear of the primary structure, and not between the structure and any rights-of-way that intersect at the corner.</p> <p>0 feet 3 feet 0 feet</p> |
| <p>Stepbacks (See Figure 4) Front-Minimum</p> | <p>Floors above 40 feet or the third story shall be stepped back a minimum of 15 feet</p> |
| <p>Building façade breaks (See Figure 3) Front-Minimum</p> | <p>Every 200 linear feet (See section 20B.3(E)), except with administrative waiver (See section 20B.3(H))</p> |

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| Lot size Minimum | 1500 square feet |
| Density Residential-Maximum | 36 dwelling units per acre |
| Frontage Minimum | None |
| Building Height (See Figure 4) Minimum height-by right Minimum height-by special use permit Maximum height –by right Maximum height-by special use permit | 30 feet or 2 stories 1 story 50 feet or 4 stories 70 feet or 6 stories |

B. *Area and bulk regulations, pre-existing buildings, structures and improvements.* Notwithstanding subsections 6.3(A)(1) and (3), and subsection 20B.3(A) of this chapter, any building or structure established before, and existing on, June 11, 2008, may be extended or enlarged without complying with the maximum front and maximum side yard setbacks and the minimum front yard setback for parking as an accessory use.

C. *Corner lots; determination of front and other sides.* Notwithstanding sections 4.6.2(b) and 4.6.3 of this chapter to the extent they determine when front yard setbacks apply, for purposes of determining setbacks the director of planning (the “director”) shall determine which side of a corner lot abutting a street shall be the front based upon the prevailing building pattern that has developed in the vicinity of the lot, and shall then determine which other sides will be the sides and rear of the lot.

D. *Minimum standards for a building façade break.* Each building façade break shall provide either pedestrian access or motor vehicle and pedestrian access to the side and/or rear of the building on the same lot. A building façade break providing only pedestrian access shall be a sidewalk having a minimum width of five (5) feet. A building façade break providing both motor vehicle and pedestrian access shall have a travelway at least twelve (12) feet in width and a sidewalk on at least one side having a minimum width of five (5) feet. The travelway and the sidewalk shall be designed and constructed to the applicable standards in the design standards manual. Buildings separated by a building façade break shall have a minimum separation of the width of the pedestrian access or motor vehicle and pedestrian access at all points above the ground. See Figure 3.

E. *Building entrances.* Each building abutting a street shall have a primary entrance from either the front or side of the building. A building also may have secondary entrances on the side or rear of the building. If the primary entrance is located on the side of a building, its doors shall face the front of the building.

F. *Stories.* For the purposes of this section 20B, each story shall be visibly discernible from the street and be composed of habitable space and/or occupiable space, as defined by the Virginia Uniform Statewide Building Code. Visibly discernible stories shall be achieved through the use of windows or building entries on each story, using varied building materials, special ground-floor design treatments, or other façade elements or other architectural details. In accordance with the procedures stated in subsection 20B.3(H), the director may waive the requirement that windows, building entries or other façade elements be used to make each story visibly discernible if the applicant demonstrates to the satisfaction of the director that the use of other architectural details would render the stories visibly discernible to an equivalent degree.

G. *No structures within easements within setbacks.* No structures shall be established within easements located within setbacks.

H. *Modifications or waivers to change maximum setbacks or minimum building façade break.* In accordance with the procedures stated in subsection 20B.3(I), the director may modify the ten (10) foot front building setback and authorize the front building setback to be increased to up to twenty (20) feet, may waive the maximum side yard setback and establish a different setback, and may waive

the minimum building façade break and establish a different minimum building façade break. The director may grant a waiver or modification in the following circumstances: (i) to allow outdoor café seating; (ii) to accommodate public spaces and plazas; (iii) where topography, easements, or unusual physical conditions make compliance with the requirement impracticable; (iv) where the required sidewalk and street trees are located on the lot instead of in a public right-of-way; (v) the strict application of the requirement would not further the purposes of this chapter or otherwise serve the public health, safety or welfare, and the waiver or modification would better achieve the goals of the comprehensive plan or provide a design that better meets the purpose and intent of the DCD; or (vi) the waiver or modification would allow the building to be consistent with the prevailing building pattern that has developed in the vicinity of the lot.

I. *Procedure for administrative modifications and waivers.* Applications for modifications or waivers (collectively, “waivers”) authorized to be reviewed and acted upon by the director or the agent (collectively, the “director”), as applicable, pursuant to this section 20B shall be reviewed and acted upon according to the following procedure:

1. *Application.* The applicant shall file a written request with the department of community development stating why one or more of the applicable circumstances exist or criteria are satisfied to allow the waiver to be granted.

2. *Action by the director.* The director shall act on the waiver request in conjunction with the county’s action of the site plan, subdivision plat or special use permit or, if no such action is required, within thirty (30) days of the date the application was submitted and determined to be complete. The director may grant the waiver if he or she determines that one or more applicable circumstances exist or criteria are satisfied. In granting a waiver, the director may impose conditions deemed necessary to protect the public health, safety, or welfare. If review of a site plan or subdivision plat by the commission is requested, the agent may either act on the waiver or defer action and allow the commission to act on the waiver as part of its consideration of the plan or plat, in which case the commission shall have the same authority as though it were considering the waiver on appeal.

3. *Appeal to the commission or the board.* The denial of a waiver, or the approval of a waiver with conditions objectionable to the applicant, may be appealed from the director to the commission and from the commission to the board, as the case may be, as an appeal of a denial of the plat, as provided in section 14-226 of the Code, or the site plan, as provided in sections 32.4.2.7 or 32.4.3.9 of this chapter, to which the waiver pertains. If subdivision plat or site plan approval is not required, the applicant may file a written appeal with the clerk of the board of supervisors within ten (10) days of the date of the written action by the director or the commission. A waiver considered by the commission in conjunction with an application for a special use permit shall be subject to review by the board of supervisors without the filing of an appeal. In considering a waiver on appeal, the commission or the board may grant or deny the waiver based upon its determination of whether one or more applicable circumstances exist or criteria are satisfied, amend any condition imposed by the director or the commission, and impose any conditions deemed necessary to protect the public health, safety, or welfare.

J. *Waiver to allow alternative location of parking area.* The parking area setback requirements in subsection 20B.3(A) may be waived as follows:

1. *Consideration by commission.* The commission may waive the parking area setback requirements in subsection 20B.3(A) and allow a parking area to be located between a street and a primary structure, subject to reasonable conditions that it may impose, upon a finding that:

a. There are unusual physical conditions on the lot or an adjoining lot including, but not limited to, the location of existing structures and parking areas, steep topography or other environmental features, narrowness or shallowness or the size or shape of the lot that make it impossible or unfeasible to provide parking to the side or rear of a primary structure;

b. The potential safety of patrons and employees cannot be achieved with adequate lighting and other reasonable design solutions; or

c. The strict application of the applicable regulations in subsection 20B.3(A) would not further the purposes of this chapter or otherwise serve the public health, safety, or welfare or achieve the goals established in the comprehensive plan.

2. *Consideration by the board of supervisors.* The board of supervisors may consider a request under this subsection only as follows:

a. The denial of the request, or the approval of the request with conditions objectionable to the applicant may be appealed to the board of supervisors as an appeal of the plat, as provided in section 14-226 of the Code, or a denial of the site plan, as provided in sections 32.4.2.7 or 32.4.3.9 of this chapter, to which the waiver pertains. If subdivision plat or site plan approval is not required, the applicant may file a written appeal with the clerk of the board of supervisors within ten (10) days of the date of the written action by the director or the commission. A waiver considered by the commission in conjunction with an application for a special use permit shall be subject to review by the board of supervisors without the filing of an appeal.

b. In considering a request, the board may grant or deny the request based upon the findings set forth in subsection 20B.3(J)(1), amend any condition imposed by the commission, and impose any conditions it deems necessary for the reasons set forth in subsection 20B.3(J)(1).

Sec. 20B.4 Parking

The parking, stacking and loading requirements stated in section 4.12 of this chapter shall apply in the DCD, subject also to the following:

A. *No maximum number of spaces.* Notwithstanding section 4.12.4(a), there shall be no limitation on the maximum number of parking spaces that may be provided.

B. *Minimum number of parking spaces.* Notwithstanding sections 4.12.6 and 4.12.7, except when shared parking is approved as provided in subsection 20B.4(C) below, the following schedule shall apply to determine the minimum number of off-street parking spaces required to be provided:

1. *Residential uses:* One (1) space for each dwelling unit having one (1) bedroom; two (2) spaces for each dwelling unit having two (2) or more bedrooms.

2. *Non-residential uses:* For all non-residential uses other than convalescent homes and nursing homes, one (1) space per one thousand (1,000) square feet of net floor area. For convalescent homes and nursing homes, one (1) space per each five (5) bedrooms plus one (1) space per employee per shift, or as otherwise provided in a parking study submitted by the applicant and reviewed and approved by the zoning administrator. For the purposes of this subsection, "net floor area" shall be deemed to be: (a) eighty (80) percent of the gross floor area; or (b) at the request of the applicant, the actual floor area as shown on floor plans submitted by the applicant, delineating the actual net floor area, which plans shall be binding as to the maximum net floor area used.

3. *Non-residential uses; bicycle parking spaces:* For non-residential uses, one (1) bicycle parking space per ten (10) automobile parking spaces required.

C. *Shared parking.* Notwithstanding section 4.12.10(d), the aggregate number of parking spaces required for all uses participating in the shared parking shall not be reduced by more than seventy-five (75) percent. Within the DCD, the term "nearby lot" as used in section 4.12.10 means a lot within the DCD or a lot within one-quarter (1/4) mile of the lot with which parking will be shared.

D. *Screening from public streets.* Each parking area having more than five (5) spaces that abuts or is visible from one or more public streets abutting the lot on which the parking area is located shall be screened from the streets with continuous evergreen shrubs or opaque walls comprised of materials such as, but not limited to, masonry or board, at a height not to exceed four (4) feet, or by a combination of evergreen shrubs and opaque walls. Opaque walls shall be augmented with landscape vegetation such as shrubbery, trees, or other vegetation approved by the agent. If evergreen shrubs are used as the screen, the shrubs shall measure at least twenty-four (24) inches in height at the time of

planting, and at maturity shall be three (3) to five (5) feet in height. Evergreen shrubs shall be planted between three (3) and five (5) feet on-center, depending upon the species selected. See Figure 5.

E. *Landscaping.* The requirements of subsection 32.7.9.7(a) and (b) of this chapter shall apply only to parking areas having more than twenty-five (25) spaces. Subsection 32.7.9.7(c) of this chapter shall not apply to parking areas within the DCD. See Figure 6.

Sec. 20B.5 Landscaping

For each development requiring approval of a site plan under section 32 of this chapter, the landscaping requirements in the DCD shall be as follows:

A. *Screening.* Notwithstanding subsections 32.7.9.8(a) and 32.7.9.8(c)(1) of this chapter, the rear of each lot shall be screened from any abutting lot containing single-family detached or attached dwelling units, or any abutting lot in a residential or the rural areas zoning district. See Figures 7 and 8. The required screening shall consist of vegetative screening, an opaque wall or fence, or alternative vegetative screening, as provided below, to the reasonable satisfaction of the agent:

1. *Vegetative screening.* If only vegetative screening is provided, the screening strip shall be at least twenty (20) feet in depth. Vegetative screening shall consist of a double staggered row of evergreen trees planted fifteen (15) feet on center, or a double staggered row of evergreen shrubs planted ten (10) feet on center.

2. *Opaque wall or fence.* If an opaque wall or fence is provided, it shall be a minimum of six (6) feet in height and plantings may be required by the agent at intervals along the fence or wall.

3. *Alternative vegetative screening.* The agent may approve alternative methods of vegetative screening that better meet the intent to screen commercial uses from residential uses and districts. In approving alternative vegetative screening, the agent shall make the approval in writing and state the reason for approving the alternative.

B. *Tree canopy.* Subsection 32.7.9.9 of this chapter shall not apply within the DCD.

Sec. 20B.6 Outdoor lighting

Notwithstanding subsection 4.17.4(b)(1) of this chapter, the spillover of lighting from first-story luminaries from non-residential uses in the DCD onto public streets and onto other non-residential uses is permitted, provided that the Virginia Department of Transportation approves the spillover of light onto public street rights-of-way.

Sec. 20B.7 Sidewalks and street trees

For each development requiring approval of a site plan under section 32 of this chapter, sidewalks and street trees in the DCD shall be provided as follows:

A. *Sidewalk design.* Each sidewalk proposed to be accepted for maintenance by the Virginia Department of Transportation shall be designed and constructed according to Virginia Department of Transportation standards or to the standards in the design standards manual, whichever is greater. Each sidewalk proposed to be privately maintained shall be constructed using concrete, designed so that no concentrated water flow runs over them, and otherwise satisfy the standards in the design standards manual. Each sidewalk on Crozet Avenue, Three Notch'd Road and the street identified in the Crozet master plan as the new Main Street shall be at least ten (10) feet wide. All other sidewalks shall be at least eight (8) feet wide. See Figure 9.

B. *Sidewalk ownership.* Each sidewalk, including street trees, proposed to be accepted for maintenance by the Virginia Department of Transportation, shall be dedicated to public use. Each sidewalk, including street trees, proposed to be privately maintained, shall be maintained by the owner of

the lot on which the sidewalk and street trees exist or an owners association that is obligated to maintain the sidewalk and street trees. The agent may require that a sidewalk proposed by the developer to be privately maintained instead be dedicated to public use if the agent determines that the sidewalk serves a public purpose and there is a need for the sidewalks to be publicly owned and maintained.

C. *Street trees.* Notwithstanding section 32.7.9.6 of this chapter, street trees shall be planted within grates on each sidewalk or in a planting strip abutting the sidewalk, spaced at a minimum of twenty-five (25) and a maximum of forty (40) feet on center and the distance of each tree from the edge of the sidewalk shall be approved by the agent. Street trees shall be selected from a current list of recommended large shade trees, subject to the approval of the agent when site conditions warrant medium shade trees. See Figure 9.

D. *Waivers from sidewalk requirements.* In accordance with the procedures stated in subsection 20B.3(l), the agent may waive the requirements for a sidewalk and/or street trees where the developer demonstrates that: (i) the Virginia Department of Transportation prohibits establishing sidewalks and/or planting street trees; or (ii) existing utility easements prohibit establishing sidewalks and/or planting street trees.

Figures

Figures 1 through 9 are for illustration purposes only. If there is a conflict or inconsistency between a regulation in section 20B to which a Figure pertains and the Figure itself, the regulation is controlling. In addition, Figures 1 through 9 merely illustrate specific requirements and do not show all applicable requirements of section 20B.

Figure 1: Front setbacks

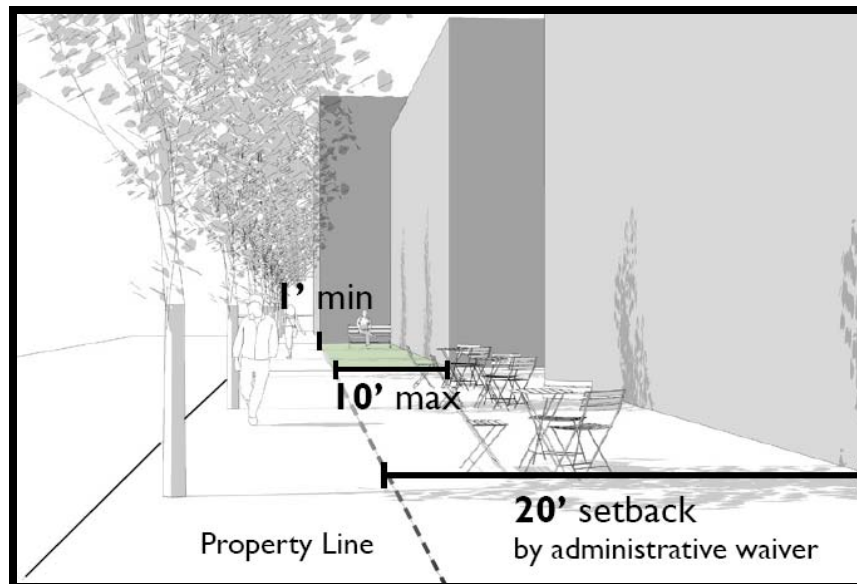


Figure 2: Side setbacks

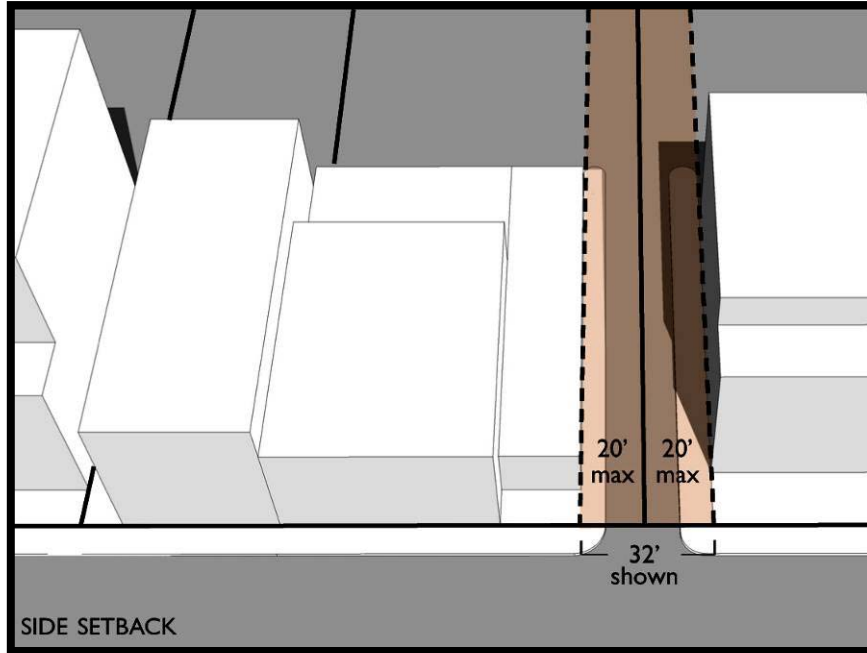


Figure 3: Building façade breaks

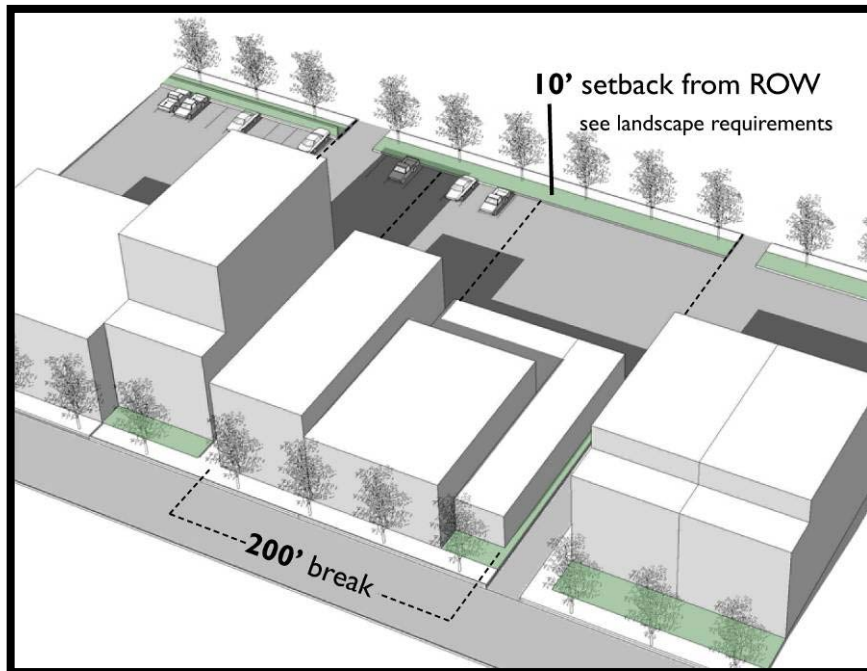


Figure 4: Stepbacks and building height

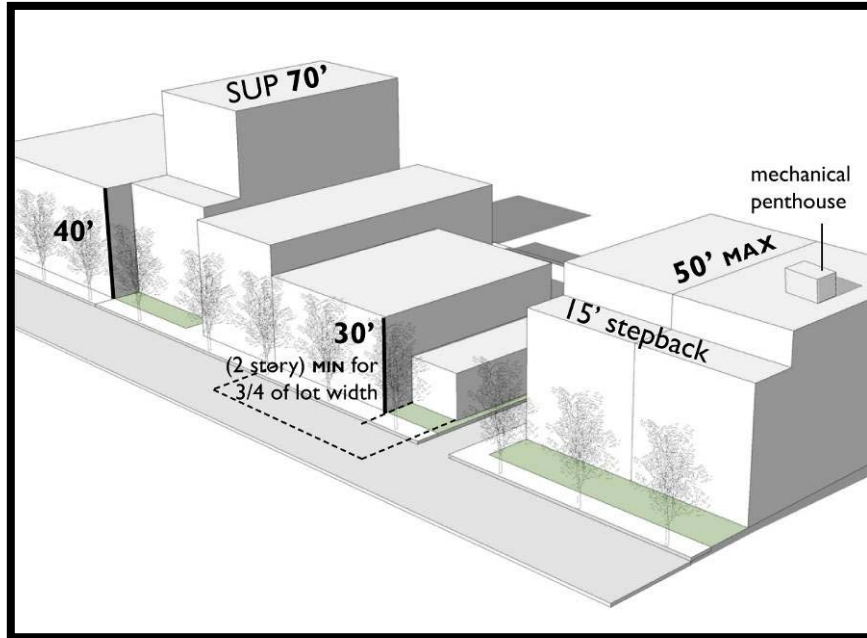


Figure 5: Parking areas; screening from public streets

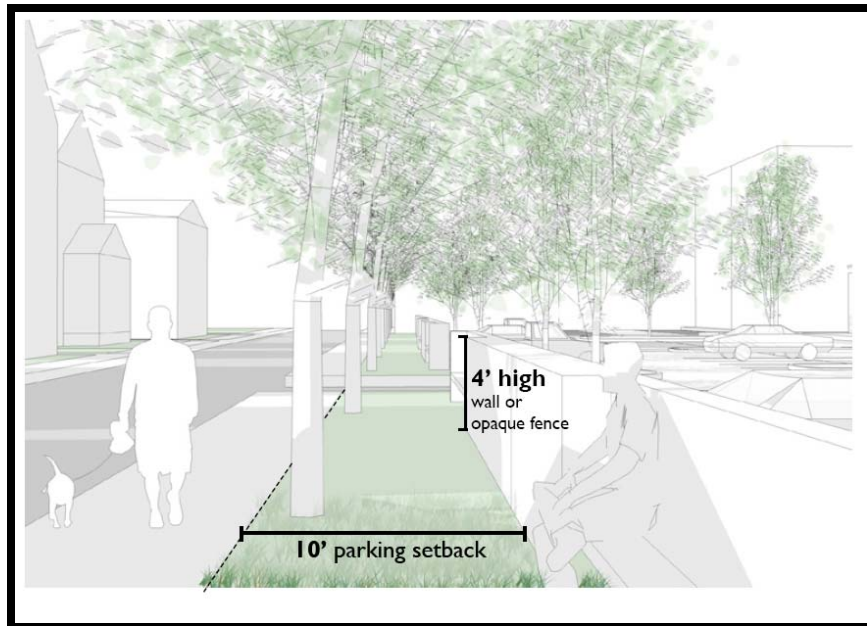


Figure 6: Parking areas; landscaping



Figure 7: Screening requirements

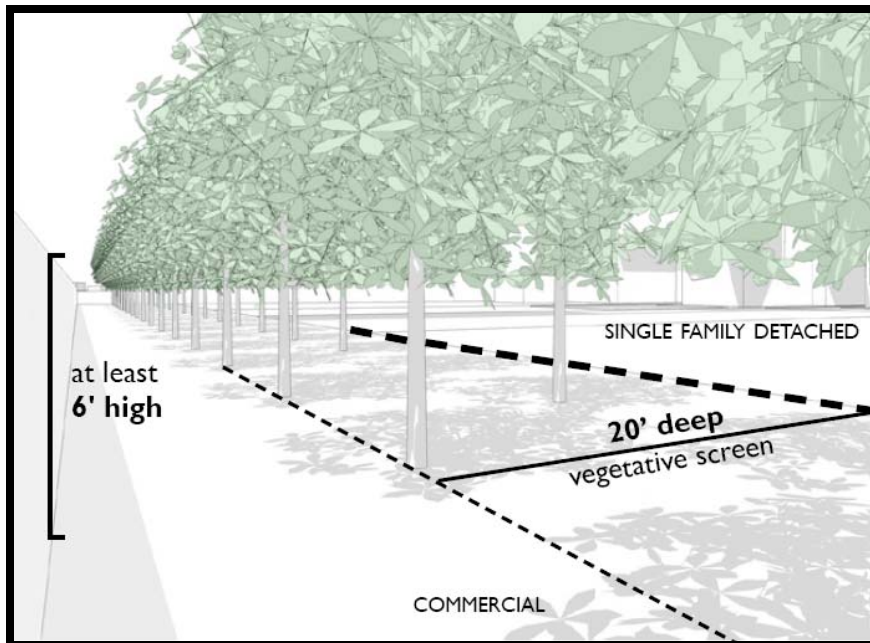


Figure 8: Screening requirements

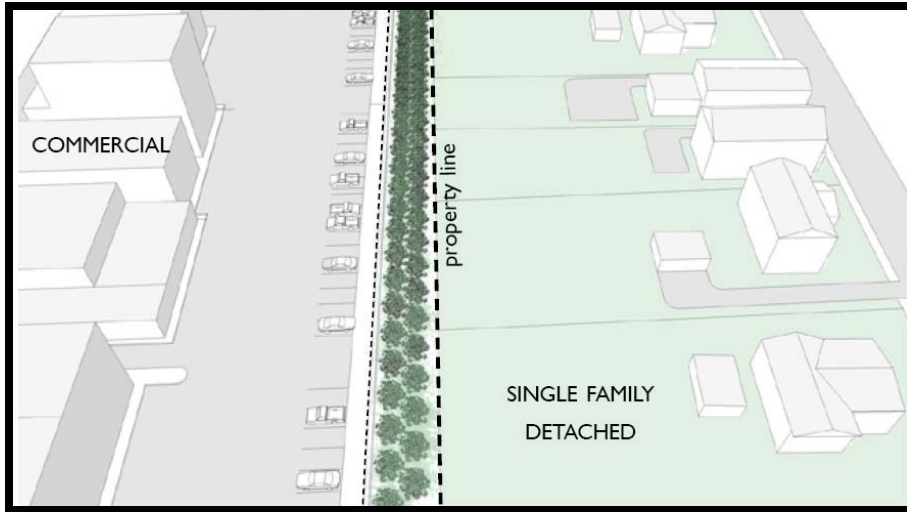
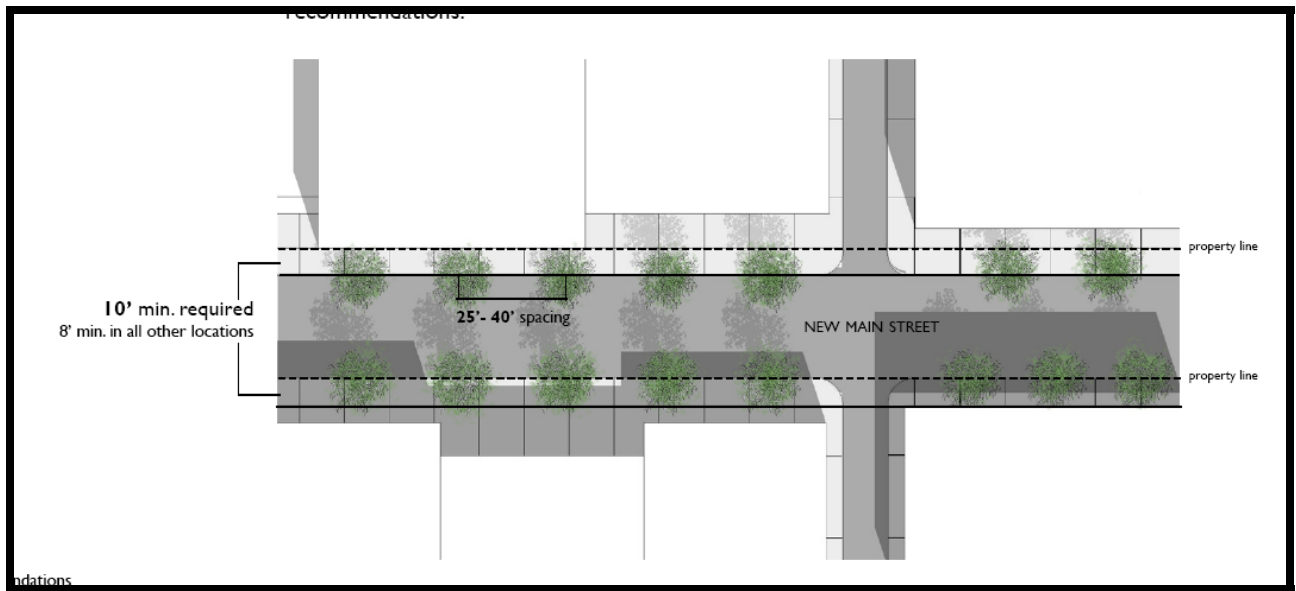


Figure 9: Sidewalks and street trees



RESOLUTION

WHEREAS, the Crozet Master Plan describes downtown Crozet as the historical focal point for cultural and commercial activities in Crozet and the surrounding areas; and

WHEREAS, the lands within downtown Crozet are currently within various zoning districts, and the regulations within those districts have been identified as imposing a number of impediments to the development and redevelopment of downtown Crozet in a manner consistent with the Crozet Master Plan; and

WHEREAS, Zoning Text Amendment 2007-005 – Downtown Crozet District (DCD) – would establish a new zoning district in the Crozet community that implements the Crozet Master Plan; and

WHEREAS, after several public work sessions conducted by the Planning Commission and the Board, and with input from several committees comprised of members of the Crozet community, the boundaries of the proposed Crozet Downtown Zoning District were identified.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Zoning Map is amended to change the zoning map designation for lands shown on the attached map entitled “Crozet Downtown Zoning * Recommended Boundary,” by Albemarle County GDS June 2008, which includes the following parcels (identified by their County tax map and parcel number), from their current zoning designation to Downtown Crozet District:

056A1010004600, 056A10100046A0, 056A1010004800, 056A1010004900,
56A1010005000, 056A1010005300, 056A1010005400, 056A10100054A0,
056A1010005500, 56A1010005600, 056A1010005700, 056A1010005800,
056A10100058A0, 056A1010005900, 56A1010006000, 056A10100060A0,
056A1010006200, 056A1010006300, 056A1010006400, 56A1010006500,
056A1010006800, 056A1010006900, 056A1010011900, 056A1010012000,
056A1010012200, 056A1010012300, 056A1010012400, 056A1010012500,
056A2010000A0, 56A2010000700, 056A20100007A0, 056A2010000800,
056A2010000900, 056A2010001100, 56A2010001200, 056A2010001300,
056A2010001400, 056A2010001500, 056A2010001600, 56A20100016A0,
056A2010001700, 056A2010001800, 056A2010001900, 056A20100019A0,
056A2010002000, 056A20100020A0, 056A20100020B0, 056A2010002100,
056A20100021A0, 056A2010002200, 056A2010002300, 056A20100023A0,
056A2010002400, 056A20100024B0, 056A2010002700, 056A2010002800,
056A20100028A0, 056A20100028B0, 056A20100028C0, 056A2010002900,
056A2010003000, 056A20100030A0, 056A2010003100, 056A2010003300,
056A2010003500, 056A2010003600, 056A2010003700, 056A2010007000,
056A20100071A0, 056A20100071D0, 056A20100071E0 and 056A2020A00100.

**A RESOLUTION
SUPPORTING A STUDY OF THE MAINTENANCE
OF THE SOUTH FORK RIVANNA RESERVOIR
AND EFFORTS TO PROMOTE WATER CONSERVATION**

WHEREAS, the Rivanna Water & Sewer Authority, with the support of Albemarle County and the City of Charlottesville, has received a permit from the United States Corps of Engineers authorizing the expansion of the Ragged Mountain Reservoir for a community water supply; and

WHEREAS, the approval of a community water supply plan does not negate the County's concerns regarding the maintenance of the South Fork Rivanna Reservoir and the importance of water conservation.

NOW, THEREFORE, BE IT RESOLVED that in addition to the specific elements of the community water supply plan approved by the Rivanna Water and Sewer Authority, the City Council and the Board of Supervisors, the Board of Supervisors hereby requests the Rivanna Water and Sewer Authority to undertake a study of the South Fork Rivanna Reservoir and the viability and merits of maintenance dredging, siltation prevention and any other appropriate initiatives that could maintain and enhance the aquatic health and water quality of the South Fork Rivanna Reservoir, as a valuable water resource for the long term future benefit of the community. The Board hereby requests that the Albemarle County Service Authority, the Rivanna River Basin Commission and other affected regional partners formally express their support of this study; and

BE IT FURTHER RESOLVED that the Board of Supervisors hereby agrees to increase its efforts to promote water conservation and efficiency by Albemarle County water consumers, and commits to engage in an active dialogue with the Rivanna Water and Sewer Authority, the City of Charlottesville, the Albemarle County Service Authority, the University of Virginia and other key partners to develop stronger incentives and more effective measures for the conservation of water throughout the region.

CONDITIONS OF APPROVAL

PROJECT: SP-2007-056. Rivanna Plaza.

1. Drive-in window is limited to one window; and
2. Development of the site will be in general accord with the site plan titled Special Use Permit Application Plan for Rivanna Plaza and initialed.

PROJECT: SP-2008-07. Lebanon Evangelical Presbyterian Church (Sign # 8).

1. Special Use Permit SP 2008-07 Lebanon Presbyterian Church shall be developed in general accord with the concept application plan, provided by the applicant and received February 11, 2008 (Attachment A.) However, the Zoning Administrator may approve revisions to the concept application plan to allow conformance with the Zoning Ordinance;
2. The color of the storage building shall be brown and the roof color shall be charcoal, as agreed by the applicant;
3. There shall be no day care center or private school on site without prior approval of a separate special use permit;
4. There shall not be an increase in the sanctuary without prior approval of an amendment to this special use permit; and
5. All new outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties.

ORDINANCE NO. 08-18(4)

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 is amended and reordained as follows:

By Amending:

| | |
|---------------|---|
| Sec. 3.1 | Definitions |
| Sec. 4.11.3 | Reduction of building separation and side yards |
| Sec. 4.11.3.1 | Untitled |
| Sec. 4.11.3.2 | Untitled |
| Sec. 14.3 | Area and bulk regulations |
| Sec. 15.3 | Area and bulk regulations |
| Sec. 16.3 | Area and bulk regulations |
| Sec. 17.3 | Area and bulk regulations |
| Sec. 18.3 | Area and bulk regulations |

By Repealing:

| | |
|---------------|----------|
| Sec. 4.11.3.3 | Untitled |
|---------------|----------|

Article I. General Provisions**Sec. 3.1 Definitions**

...

Zero lot line. The term “zero lot line” means the location of a detached dwelling unit or portion thereof on a lot in such a manner that one of the sides of the dwelling unit rests less than the distance to the side lot line otherwise required in the district and may rest directly on that side lot line.

Zero lot line development. The term “zero lot line development” means a subdivision reviewed and approved by the county as a single-family detached residential or mixed use development that uses zero lot lines, and in which a minimum separation of ten feet between detached dwelling units is maintained.

...

Article II. Basic Regulations**Sec. 4.11.3 Reduction of building separation and side yards (Added 1-1-83)**

The minimum building separation and side yards for primary structures may be reduced in accordance with the applicable district regulations as follows:

A. *Reductions for structures not within zero lot line developments; with adequate fire flows or which are constructed in accordance with the building code.* The minimum building separation or side yards for primary structures may be reduced if the structure is not located within a zero lot line development, but is located in an area where available fire flows are adequate under Insurance Service Offices standards to allow the reduction. Each primary structure for which the minimum building separation or side yard has been reduced as provided in this subsection shall be subject to the following:

1. In the case of a side yard reduction, the Albemarle County fire official may require a guarantee as deemed necessary to insure compliance with the provisions of this section, and this guarantee may include, but not be limited to, appropriate deed restrictions, disclosure, and other such

instruments, which shall be of a substance and be in a form approved by the fire official and the county attorney, and shall be recorded in the records of the circuit court of the county;

2. No structure shall encroach within any emergency accessway required by the Albemarle County fire official;
3. Unless constructed to a common wall, no structure shall be located closer than six (6) feet to any lot line; and
4. No structure shall encroach on any utility, drainage or other easement, nor on any feature required by this chapter or other applicable law.

B. Reductions for dwelling units within zero lot line developments. The minimum building separation or side yards for detached dwelling units may be reduced to zero (0) feet on one side for each dwelling unit located within a zero lot line development if the structure is located in an area where available fire flows are adequate under Insurance Service Offices standards to allow the reduction. Each zero lot line development shall be subject to the following:

1. The subdivider shall submit with the final subdivision plat a lot development plan showing all the lots in the zero lot line development and delineating the location of each zero lot line dwelling unit;
2. The subdivider shall establish a perpetual wall maintenance easement on the lot abutting the zero lot line side of the dwelling unit so that, with the exception of fences, a minimum width of ten (10) feet between dwelling units shall be kept clear of structures in perpetuity. This easement shall be shown on the final plat, shall be of a substance and be in a form approved by the director of community development and the county attorney, shall be recorded in the records of the circuit court of the county with the approved final subdivision plat, and shall be incorporated by reference in each deed transferring title to each lot that is a dominant and servient estate; and .
3. Building footings may penetrate the easement on the adjacent lot to a maximum distance of eight (8) inches.

Article III. District Regulations

Sec. 14.3 Area and bulk regulations

Area and bulk regulations within the R-2, Residential, district are as follows:

| REQUIREMENTS | STANDARD LEVEL | | BONUS LEVEL | |
|---|--------------------------|---------------------|--------------------------|---------------------|
| | CONVENTIONAL DEVELOPMENT | CLUSTER DEVELOPMENT | CONVENTIONAL DEVELOPMENT | CLUSTER DEVELOPMENT |
| Gross density | 2 du/acre | 2 du/acre | 3 du/acre | 3 du/acre |
| Minimum Lot Size | 21,780 sq ft | 14,500 sq ft | 14,520 sq ft. | 9,700 sq ft |
| Minimum frontage: public, private | 80 feet | 70 feet | 70 feet | 65 feet |
| Yards, minimum: | | | | |
| Front | 25 feet | 25 feet | 25 feet | 25 feet |
| Side ^(a) | 10 feet | 10 feet | 10 feet | 10 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. | | | | |
| Maximum Structure height | 35 feet | 35 feet | 35 feet | 35 feet |

Sec. 15.3 Area and bulk regulations (Amended 3-18-81)

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

| STANDARD LEVEL | BONUS LEVEL |
|----------------|-------------|
|----------------|-------------|

| 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) 10,890 sq ft | | 7,260 sq ft. | N/A |
| Yards, minimum: | | | | |
| Front | 25 feet | 25 feet | 25 feet | 25 feet |
| Side ^(a) | 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) | | | | |
| Maximum Structure height | 35 feet | 35 feet | 35 feet | 35 feet |

Sec. 16.3 Area and bulk regulations

Area and bulk regulations within the R-6, Residential, district are as follows:

| REQUIREMENTS | STANDARD LEVEL | | BONUS LEVEL | |
|--|--------------------------------|---------------------|--------------------------|---------------------|
| | CONVENTIONAL DEVELOPMENT | CLUSTER DEVELOPMENT | CONVENTIONAL DEVELOPMENT | CLUSTER DEVELOPMENT |
| Gross density | 6 du/acre | 6 du/acre | 9 du/acre | 9 du/acre |
| Minimum Lot Size | (Added 7-17-85) 7,260 sq ft | | 4,840 sq ft. | N/A |
| Yards, minimum: | | | | |
| Front | 25 feet | 25 feet | 25 feet | 25 feet |
| Side ^(a) | 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) | | | | |
| Maximum Structure height | 35 feet | 35 feet | 35 feet | 35 feet |

Sec. 17.3 Area and bulk regulations

Area and bulk regulations within the R-10, Residential, district are as follows:

| REQUIREMENTS | STANDARD LEVEL | | BONUS LEVEL | |
|---|--------------------------------|---------------------|--------------------------|---------------------|
| | CONVENTIONAL DEVELOPMENT | CLUSTER DEVELOPMENT | CONVENTIONAL DEVELOPMENT | CLUSTER DEVELOPMENT |
| Gross density | 10 du/acre | 10 du/acre | 15 du/acre | 15 du/acre |
| Minimum Lot Size | (Added 7-17-85) 4,356 sq ft | | 2,904 sq ft. | N/A |
| Yards, minimum: | | | | |
| Front | 25 feet | 25 feet | 25 feet | 25 feet |
| Side ^(a) | 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 (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. | | | | |
| Maximum Structure height | 65 feet | 65 feet | 65 feet | 65 feet |

Sec. 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 | | 2,178 sq ft. | N/A |
| Yards, minimum: | | | | |

| | | | | |
|--|---------|---------|---------|---------|
| Front | 25 feet | 25 feet | 25 feet | 25 feet |
| Side ^(a) | 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) | | | | |
| Maximum Structure height | 65 feet | 65 feet | 65 feet | 65 feet |

ORDINANCE NO. 08-4(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, ANIMALS AND FOWL, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA BY ADDING ARTICLE VI, ANIMAL NOISE.

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 4, Animals and Fowl, is hereby amended and reordained by adding Article VI, Animal Noise.

**CHAPTER 4. ANIMALS AND FOWL
ARTICLE VI. ANIMAL NOISE**

Sec. 4-601. Noise from animals.

It shall be unlawful and shall be a nuisance for an owner or custodian of an animal to harbor or keep any animal within the county which frequently or for a continued duration howls, barks or makes other excessive, continuous or untimely sounds which unreasonably disturbs the peace and quiet, comfort, or repose of any person in the county; provided however, this section shall not apply to any animal located on property zoned Rural Areas District of five (5) acres or more, to any animal in an animal shelter or commercial kennel as defined in chapter 18 of the zoning ordinance, or to sounds caused by livestock or poultry. For the purposes of this section, "excessive, continuous or untimely sounds" shall mean any howling, barking or other animal noise which continues for thirty (30) consecutive minutes or more with no cessation of such sounds for time periods greater than five (5) minutes during the thirty (30) consecutive minutes.

Sec. 4-602. Complaints of animal noise.

Notwithstanding section 4-101 of this code, no person shall be charged with a violation of section 4-601 unless the complainant appears before a magistrate and requests a summons to be issued. However, when a violation is committed in the presence of an animal control officer or police officer, he shall have the authority to initiate all necessary proceedings.

Sec. 4-603. Penalty for violation.

A violation of this section shall be punishable as a Class 3 misdemeanor, and any owner or custodian of an animal found guilty under this section shall be required to abate the disturbance. Upon a third conviction within twelve (12) months of any offense under this section involving the same animal, in addition to imposing a fine, the court shall order the animal to be removed from any area of the county covered by this section. If the owner or custodian of the animal fails to comply with such order within two (2) weeks, the animal control officer shall seize the animal and offer the animal to the SPCA for adoption in a home outside of the area of the county covered by this section.