

ACTIONS
Board of Supervisors Meeting of July 9, 2008

July 10, 2008

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 6:05 p.m., in the Lane Auditorium, by the Chairman, Mr. Boyd. All BOS members were present. Also present were Bob Tucker, Larry Davis, Wayne Cilimberg and Ella Jordan. 	
<p>4. From the Board: Matters Not Listed on the Agenda. <u>Ann Mallek:</u></p> <ul style="list-style-type: none"> There was a great meeting held last night regarding the Advance Mills Bridge. 	
<p>5. From the Public: Matters not Listed on the Agenda.</p> <ul style="list-style-type: none"> There were none. 	
<p>7. <u>PROJECT: ZTA-2008-001. Athletic field lighting.</u></p> <ul style="list-style-type: none"> ADOPTED Ordinance No. 08-18(5), by a vote of 6:0. 	<p><u>Clerk:</u> Forward copy of adopted ordinance to Community Development, Parks and Recreation and County Attorney's office. (Attachment 1)</p>
<p>8. <u>PROJECT: AFD-2008-001. Carters Bridge Agricultural and Forestal District.</u></p> <p>9. <u>PROJECT: AFD-2008-002. Lanark Agricultural and Forestal District.</u></p> <p>10. <u>PROJECT: AFD-2008-003. Panorama Agricultural and Forestal District.</u></p> <ul style="list-style-type: none"> ADOPTED Ordinance No. 08-3(1), by a vote of 6:0. 	<p><u>Clerk:</u> Forward copy of adopted ordinance to Community Development and County Attorney's office. (Attachment 2)</p>
<p>11a. <u>Work Session: Land Use Taxation Program – Option 2.</u></p> <ul style="list-style-type: none"> Took no action to change the Land Use Taxation Program. 	
<p>11b. <u>Work Session: Revalidation Program.</u></p> <ul style="list-style-type: none"> Moved, 6:0, to proceed with a Revalidation Program. 	<p><u>Clerk:</u> Schedule on agenda for work session when ready to come back to Board.</p>
<p>12. From the Board: Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> APPOINTED Margaret Echols to the Pantops Community Advisory Council. APPOINTED Steve Ashby to the Community Mobility Committee, with said term to expire January 12, 2009. At 7:42 p.m., the Board went into closed meeting to consider appointments to boards, committees and commissions. The Board reconvened into open session at 8:15 p.m., and certified the closed meeting. APPOINTED Dennis Rooker as the Board of Supervisors' representative, and Ken Boyd as the alternate, to the South Fork Rivanna Reservoir Maintenance Task Force. 	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p> <p><u>Clerk:</u> Notify Tom Frederick of appointment.</p>
<p>13. Adjourn to July 23, 2008, 6:30 p.m.</p> <ul style="list-style-type: none"> At 8:17 p.m., the meeting was adjourned to July 23, 2008, 6:30 p.m., Lane Auditorium. 	

ewj

Attachment 1 – ZTA-2008-001 - Ordinance #08-18(5)
Attachment 2 – Ordinance #08-3(1)

ORDINANCE NO. 08-18(5)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE II, BASIC 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 II, Basic Regulations, is hereby amended and reordained as follows:

By Amending:

Sec. 4.10.3.2 Exceptions – limited

Sec. 4.17.5 Modification or waiver

Chapter 18. Zoning

Article II. Basic Regulations

Sec. 4.10.3.2 Exceptions -- limited

The following structures are excepted from the height limitations in the applicable zoning districts:

a. Towers, gables, penthouses, scenery lofts, cupolas, similar structures and necessary mechanical appurtenances may be erected on a building to a height twenty (20) percent greater than the limit established for the district in which the building is located, provided that no such exception shall be used for sleeping or housekeeping purposes or for any commercial or industrial purpose; and provided further that access by the general public to any such area shall be expressly prohibited.

b. Poles that support outdoor luminaires for lighting athletic facilities, subject to approval of a modification by the commission as provided in section 4.17.5(a)(3).

Sec. 4.17.5 Modification or waiver

Modifications and waivers may be granted in an individual case as provided herein: (Amended 10-17-01)

a. The commission may modify or waive any standard set forth in section 4.17.4(a) under subsections 4.17.5(a)(1) and (2), and may modify the maximum height of poles supporting outdoor luminaires lighting athletic facilities under subsection 4.17.5(a)(3), in the following circumstances: (Amended 10-17-01)

1. Upon finding that strict application of the standard would not forward the purposes of this chapter or otherwise serve the public health, safety or welfare, or that alternatives proposed by the owner would satisfy the purposes of these outdoor lighting regulations at least to an equivalent degree.

2. Upon finding that an outdoor luminaire, or system of outdoor luminaires, required for an athletic facility cannot reasonably comply with the standard and provide sufficient illumination of the facility for its safe use, as determined by recommended practices adopted by the Illuminating Engineering Society of North America for that type of facility and activity or other evidence if a recommended practice is not applicable. (Amended 10-17-01)

3. Upon finding that the maximum permitted height of a pole supporting an outdoor luminaire lighting an athletic facility under the applicable district regulations would prevent the luminaire from providing sufficient illumination of the facility for its safe use, as determined by the recommended practices adopted by the Illuminating Engineering Society of North America for that type of facility and activity or other evidence if a recommended practice is not applicable.

b. Prior to considering a request to modify or waive, five (5) days' written notice shall be provided to the owner, owner's agent or occupant of each abutting lot or parcel and each parcel immediately across the street or road from the lot or parcel which is the subject of the request. The written notice shall identify the nature of the request and the date and time the commission will consider the request.

c. The commission may impose conditions on such a modification or waiver which it deems appropriate to further the purposes of these outdoor lighting regulations.

d. The board of supervisors shall consider a modification or waiver of this section only as follows:

1. The denial of a modification or waiver, or the approval of a modification or waiver with conditions objectionable to the developer may be appealed to the board of supervisors 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, to which the modification or waiver pertains. A modification or 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.

2. In considering a modification or waiver, the board may grant or deny the modification or waiver based upon the finding set forth in subsection (a), amend any condition imposed by the commission, and impose any conditions it deems necessary for the reasons set forth in subsection (a). Otherwise, neither the grant nor denial of a modification or waiver may be appealed to the board. (Amended 10-17-01)

(Ord. 98-18(1), 8-12-98; Ord. 01-18(4), 5-9-01; Ord. 01-18(8), 10-17-01)

ORDINANCE NO. 08-3(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, 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 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, is hereby amended and reordained as follows:

By Amending:

- Sec. 3-210 Carter's Bridge Agricultural and Forestal District
- Sec. 3-221 Lanark Agricultural and Forestal District
- Sec. 3-224 Panorama Agricultural and Forestal District

Chapter 3. Agricultural and Forestal Districts

Article II. Districts of Statewide Significance

Division 2. Districts

Sec. 3-210 Carter's Bridge Agricultural and Forestal District.

The district known as the "Carter's Bridge Agricultural and Forestal District" consists of the following described properties: Tax map 101, parcels 55A, 60; tax map 102, parcels 17A, 17B, 17B1, 17D, 18, 19, 19A, 19C, 20B; tax map 111, parcel 48; tax map 112, parcels 3, 15, 15A, 16E, 16E1, 16E2, 16F2, 18H, 19E, 19F, 20, 21, 33A, 37D; tax map 113, parcels 1, 1A, 6A, 11A, 11F, 11F1, 11F2, 11F3, 11G, 11G1, 11G2, 11H, 11I, 11J, 11K; tax map 114, parcels 25A, 30, 31B, 31C, 31D, 51, 55, 56, 67C, 67D, 67E, 67F, 67G, 67H, 68, 69, 70; tax map 115, parcel 10; tax map 122, parcels 4, 4A, 6, 7, 8, 9, 10, 12, 12N, 33, 33A, 36; tax map 124, parcel 11. This district, created on April 20, 1988 for not more than ten years and last reviewed on July 9, 2008, shall next be reviewed prior to July 9, 2018.

(Code 1988, § 2.1-4(j); Ord. 98-A(1), 8-5-98; Ord. 98-3(1), 9-9-98; Ord. 99-3(2), 2-10-99; Ord. 99-3(4), 5-12-99; Ord. 08-3(1), 7-9-08)

Sec. 3-221 Lanark Agricultural and Forestal District.

The district known as the "Lanark Agricultural and Forestal District" consists of the following described properties: Tax map 90, parcels 12, 14A; tax map 90B, parcel A-11; tax map 91, parcels 21, 21A, 21B, 31; tax map 92, parcels 64, 64A; tax map 102, parcels 33, 35, 35A, 35B, 35C, 37, 40, 40B, 40C; tax map 103, parcels 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1J, 1K, 1L, 1M, 2A, 3, 3A, 3B, 3C, 3G, 5, 9, 9A, 9B, 9C, 9D, 9E, 9F, 10A, 10B, 10D, 43, 43L, 43L1, 43M, 68 (part). This district, created on April 20, 1988 for not more than 10 years and last reviewed on July 9, 2008, shall next be reviewed prior to July 9, 2018.

(Code 1988, § 2.1-4(k); Ord. 98-A(1), 8-5-98; Ord. 98-3(1), 9-9-98; Ord. 99-3(2), 2-10-99; Ord. 99-3(5), 10-6-99; Ord. 08-3(1), 7-9-08)

Sec. 3-224 Panorama Agricultural and Forestal District.

The district known as the "Panorama Agricultural and Forestal District" consists of the following described properties: Tax map 31, parcel 21E; tax map 44, parcels 9A, 9C, 12, 12Q, 12X, 12Y, 12Z; tax map 45A, section 1, parcel 27. This district, created on April 20, 1988 for not more than 10 years and last reviewed on July 9, 2008, shall next be reviewed prior to July 9, 2018.

(6-14-95; Code 1988, § 2.1-4(l); Ord. 98-A(1), 8-5-98; Ord. 98-3(1), 9-9-98; Ord. 99-3(3), 3-17-99; Ord. 08-3(1), 7-9-08)