

**ACTIONS**  
**Board of Supervisors Meeting of October 14, 2009**

October 15, 2009

| <u>AGENDA ITEM/ACTION</u>  | <u>ASSIGNMENT</u>   |
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| <p>1. Call to Order.</p> <ul style="list-style-type: none"> <li>Meeting was called to order at 6:00 a.m. by the Chairman, Mr. Slutzky. All BOS members were present. Also present were Bob Tucker, Larry Davis, and Meagan Hoy.</li> </ul>   |   |
| <p>3a. Recognitions:</p> <ul style="list-style-type: none"> <li>Proclamation recognizing October 2009 as Community Planning Month. <ul style="list-style-type: none"> <li>Chairman read proclamation.</li> </ul> </li> </ul>   | (Attachment 1)  |
| <p>5. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <li><u>Ms. Rae Ely</u>, President of historic Green Springs, urged the Board to amend their previously passed resolution regarding the Route 29 Corridor to protect the historic Green Springs area and Route 15.</li> <li><b>MOVED</b>, by a vote of 5:1 (Boyd) to <b>RESCIND</b> the resolution regarding the Route 29 Corridor adopted on October 7, 2009, and <b>ADOPTED</b> the attached resolution as modified at the Board Meeting.</li> </ul>   | (Attachment 2)  |
| <p>4. From the Board: Matters Not Listed on the Agenda.</p> <p><u>Sally Thomas</u>:</p> <ul style="list-style-type: none"> <li>The County tied for first place winner of VML's "Go Green Virginia" award.</li> <li>This month is Hispanic Month.</li> </ul> <p><u>Ann Mallek</u>:</p> <ul style="list-style-type: none"> <li>Updated the Board on the proposed Greenwood/Afton Rural Historic District.</li> <li>October 31<sup>st</sup> will be the 50<sup>th</sup> anniversary of the plane crash at Buck's Elbow Mountain in Crozet. Phil Bradley, the lone survivor, will come back to an event at Mint Springs Park at 10:00 a.m. on the 31<sup>st</sup>.</li> <li>Updated the Board on a trip she took with the President of the American Chestnut Foundation. The Foundation is considering White Hall as a nursery center for their seedling project.</li> </ul> |   |
| <p>6.2 FY 2010 Appropriation.</p> <ul style="list-style-type: none"> <li><b>APPROVED</b> the budget amendment in the amount of \$171,000.00 and <b>APPROVED</b> appropriation #2010038.</li> </ul>   | <u>Clerk</u> : Forward signed appropriation forms to Finance and appropriate individuals. |
| <p>6.3 Voting Credentials for VACo Annual Business Meeting.</p> <ul style="list-style-type: none"> <li><b>APPROVED</b> Sally Thomas as Voting Delegate and Ann Mallek as Alternate Delegate.</li> </ul>  | <u>Clerk</u> : Forward Voting Credentials Form to VACO.                                   |
| <p>6.4 ZMA-2006-008. Berkmar Business Park; Applicant request for 12-month extension.</p> <ul style="list-style-type: none"> <li><b>APPROVED</b> applicant's request for a 12-month extension.</li> </ul>  | <u>Wayne Cilimberg</u> : Notify applicant.  |
| <p>6.5 Cancel November 11, 2009 Regular Night Board of Supervisors' meeting.</p>   | <u>Clerk</u> : Notify appropriate individuals.  |

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| <ul style="list-style-type: none"> <li>• <b>APPROVED</b> cancelation of November 11, 2009 meeting.</li> </ul>  |   |
| <p>7. <b><u>To amend the Six Year Secondary Road Priority List</u></b></p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> the attached Resolution requesting that VDOT amend the Albemarle County Six Year Secondary System Construction Program to: 1) add the Broomley Road Bridge Improvement Project; 2) remove the Dickerson Road Project; and, 3) request that the Unpaved Secondary Road Funds currently allocated by VDOT for the Dickerson Road Project be added to the County's Secondary System Construction Funds to be used for the Broomley Road Bridge Improvement Project.</li> </ul>   | <p><u>Clerk</u>: Forward copy of signed resolution to Allan Sumpter, Mark Graham, David Benish, Juan Wade, and County Attorney's Office. (Attachment 3)</p> |
| <p>8. <b><u>SP-2008-009. Animal Wellness Center.</u></b></p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b>, by a vote of 6:0, SP-2008-009 with the six conditions recommended by staff and the Planning Commission.</li> </ul>  | <p><u>Clerk</u>: Set out conditions of approval. (Attachment 4)</p>   |
| <p>9. <b><u>STA-2008-001. Rural Areas 2-lot street standard; single point of access.</u></b></p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b>, by a vote of 6:0, the proposed text amendment with delayed application of the ordinance for projects that have already been submitted.</li> </ul>  | <p><u>Clerk</u>: Forward copy of ordinance to Mark Graham, Amelia McCulley, Bill Fritz, and County Attorney's Office. (Attachment 5)</p>                    |
| <p>10. <b><u>ZTA-2008-002. Planned Developments and Neighborhood Model District.</u></b></p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b>, by a vote of 6:0, the attached Ordinance as modified at the Board meeting.</li> </ul>  | <p><u>Clerk</u>: Forward copy of ordinance to Wayne Cilimberg, Elaine Echols, and County Attorney's Office. (Attachment 6)</p>                              |
| <p>11. From the Board: Matters Not Listed on the Agenda.<br/><u>Larry Davis</u>:</p> <ul style="list-style-type: none"> <li>• Asked the Board to adopt the extension of the lease for the Northside Library. The Board, by a vote of 6:0, <b>AUTHORIZED</b> the County Executive to execute the lease amendment as set forth in the resolution.</li> </ul> <p><u>Sally Thomas</u>:</p> <ul style="list-style-type: none"> <li>• Thanked the Planning Commission for their work on the Planned Developments and Neighborhood Model District ordinance.</li> </ul> <p><u>Bob Tucker</u>:</p> <ul style="list-style-type: none"> <li>• He received a letter from Emily Nelson of the Thomas Jefferson Soil and Water Conservation District requesting the appointment of John Murray to the Thomas Jefferson Water Resource Protection Foundation Board, due to the previous Albemarle County appointee moving out of the County. The Board <b>APPOINTED</b> Steve Murray to the Thomas Jefferson Water Resource Protection Foundation Board, with said term to expire January 31, 2011.</li> </ul> <p><u>David Slutzky</u>:</p> <ul style="list-style-type: none"> <li>• Brought up the issue of abandoned properties, and the possibility of requiring buildings that will not be used to be demolished.</li> </ul> | <p><u>Clerk</u>: Forward copy of signed resolution to County Attorney. (Attachment 7)</p> <p><u>Mark Graham</u>: Proceed as directed.</p>                   |
| <p>12. Adjourn to October 16, 2009, 9:00 a.m., Department of Forestry Building.</p>  |   |

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| <ul style="list-style-type: none"><li>• At 7:38 p.m., the Board meeting was adjourned to Friday, October 16<sup>th</sup>, 9:00 a.m., at the Department of Forestry for the Annual Strategic Planning Retreat.</li></ul> |  |
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Attachment 1– Proclamation recognizing October 2009 as Community Planning Month

Attachment 2 – Resolution – Route 29 Corridor Study

Attachment 3 – Resolution to amend the Six Year Secondary Road Priority List

Attachment 4 – Planning conditions of approval tm

Attachment 5 – Ordinance - Rural Areas 2-lot street standard; single point of access

Attachment 6 – Ordinance - Planned Developments and Neighborhood Model District

Attachment 7 – Northside Library Lease Agreement

PROCLAMATION

- WHEREAS,** change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and
- WHEREAS,** community planning and plans can help manage this change in a way that provides better choices for how people work and live; and
- WHEREAS,** community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and
- WHEREAS,** the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and
- WHEREAS,** the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and
- WHEREAS,** The American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our settlements and environment; and
- WHEREAS,** the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of Albemarle County; and
- WHEREAS,** we recognize the many valuable contributions made by professional community and regional planners of Albemarle County and extend our heartfelt thanks for the continued commitment to public service by these professionals;
- NOW, THEREFORE, BE IT RESOLVED THAT,** I, David Slutzky, Chairman of the Albemarle County Board of Supervisors, do hereby designate the month of **October 2009** as **Community Planning Month** in the *County of Albemarle* in conjunction with the celebration of National Community Planning Month.

## RESOLUTION

**Whereas**, the Route 29 Corridor is a major north-south link for through and local traffic. The Virginia Department of Transportation, in association with the Virginia Department of Rail and Public Transportation, the Commonwealth Transportation Board and various state and local elected officials, have initiated the Route 29 Corridor Study which covers approximately 219 miles of roadway between the North Carolina border and I-66 in Gainesville; and

**Whereas**, the goal of the study is to develop a Blueprint for the Route 29 Corridor that will guide future transportation improvements. The study is supposed to determine the transportation needs and identify recommendations to meet those needs while building on the commonalities of citizen concerns along the corridor. All recommendations should be context sensitive and sensitive to all environmental concerns, including historical and cultural resources; and

**Whereas**, the Albemarle County Board of Supervisors is in agreement with many of the concepts in the Corridor-Wide Recommendations, such as controlling access on Route 29, integration of land use and transportation planning, and enhanced transit, as reflected in its Comprehensive Plan, Long Range Transportation Plan, participation in the 29H250 Study, and commitment to integration of land use and transportation planning as reflected in Places 29 and other growth area adopted master plans; and

**Whereas**, the Board of Supervisors strongly opposes any of the extensions of Leonard Sandridge Road in the final Route 29 Corridor Report for the following reasons:

- the Southern interchange would still need to be built, an interchange or major intersection with Hydraulic Rd. would be required, and the cut through Stillhouse Mountain would still be necessary, so the cost would exceed \$100.0 million; and
- none of the proposed routes would likely qualify for federal funding and there is no possibility that any of these routes could be funded from the County's modest Secondary Road allocations; and
- the result of leaving these routes on the map in the final report would be to diminish property values and interfere with the lives of a number of citizens for an indefinite period of years to perpetuate lines on a map that will never become actual transportation projects. This would include residents living in the Canterbury Hills, Colthurst, Montvue, Georgetown Road, Hessian Hills, Old Forge, Terrell, Georgetown Green, Lambs Road, Ivy Ridge Road, Roslyn Heights, and Roslyn Ridge neighborhoods; and
- Route 1C would also impact two churches and take substantial acreage from the four school complex on Hydraulic Road; and
- the current best parallel road system we have to Route 29 is Georgetown Road to Hydraulic Road to Berkmar Drive. What is being suggested is to spend more than \$100.0 million to build a parallel road to the parallel road system that is functioning reasonably well; and
- there is no traffic study that even suggests that any of these proposed roads would take any substantial vehicle trips off of Route 29 or that they would even shorten travel time for people presently using Georgetown and Hydraulic Roads. There would be a significant wait to get the traffic onto Hydraulic Road; and
- for the cost of constructing any of the proposed extension roads, we could complete the widening of Route 29 from Hydraulic to the Route 250 Bypass, add the additional ramp at Best Buy onto the Route 250 Bypass, widen Route 29 from Polo Grounds Road to Hollymead and possibly have funds to build a grade separated interchange at Rio Road and Route 29. If the bypass right of way were sold, we would also have enough funds to build the Hillsdale Drive connector, which traffic studies show will take 8,000 to 10,000 vehicle trips per day off of Route 29 at its most congested point. These improvements have been traffic modeled, are included in

the area's Long Range Transportation Plan and will significantly improve the flow of traffic in the Route 29 Corridor; and

- the aforesaid projects can be done as funds are available; the "southern bypass" project is all or nothing. It can't be built incrementally; and
- a recommendation to "study" this issue would result in more money being diverted to a study that will go nowhere at a time that we have little or no transportation funds for actual projects; and
- the MPO removed the study of the "southern bypass" from the area's Long Range Transportation Plan, demonstrating that it has no local support. This vote was unanimous and included the VDOT representative on the MPO.

**Now, Therefore, Be It Resolved that,** the Albemarle County Board of Supervisors commends the consultants and VDOT for their work on the Route 29 Corridor Study; and

**Further Resolved that,** the Hillsdale Drive connector, the additional southbound lane on Route 29 from Hydraulic Road to the Route 250 Bypass (with the additional ramp lane) and the additional lanes on Route 29 between Polo Grounds Road and Hollymead be included in the report, as they are in the area's long range and six year transportation plans and have been demonstrated through traffic modeling to be cost effective ways of improving traffic flow and safety in the corridor; and

**Resolved that,** any Eastern Bypass Study Corridor avoid sensitive areas such as the Southwest Mountains, Keswick historic district areas, and historic Green Springs; and

**Resolved that,** localities should not be required to include specific transportation projects in their comprehensive plans that are not approved by the locality and/or by the applicable MPO.

**RESOLUTION**

**WHEREAS**, on May 13, 2009, the Albemarle County Board of Supervisors approved the County Priority List of Secondary Road Improvements for Fiscal Years 2009/10 through 2104/15 (the "Priority List") and authorized the County Executive to sign the VDOT Secondary System Construction Program for Albemarle County (the "Albemarle County VDOT Construction Program"); and

**WHEREAS**, the Priority List included road improvements for State Route 606 (Dickerson Road) between Route 850 and Route 1575 which would include replacing two bridges and reconstructing and surface treating the existing non-hard surfaced road, and these improvements are identified in the Albemarle County VDOT Construction Program as VDOT Project Numbers 0606002296, 0606002297 and 0606002P75 (the "Dickerson Road Project"); and

**WHEREAS**, the Dickerson Road Project is being funded from the Unpaved Secondary Road Fund provided by Virginia Code § 33.1-23.1:1 but, to date, only \$1.6 million of the estimated \$11.6 million cost to make the improvements has been allocated by VDOT; and

**WHEREAS**, the Board has identified a more urgent need for a bridge replacement project on Broomley Road, referred to as the Broomley Road Railroad Bridge Improvement Project (the "Broomley Road Project") because the existing bridge has an eight ton limit that restricts its use by certain emergency vehicles.

**NOW, THEREFORE**, be it hereby resolved that the Board of Supervisors requests that VDOT amend the Albemarle County VDOT Construction Program to add the Broomley Road Project, and to remove the Dickerson Road Project; and

**BE IT FURTHER RESOLVED** that the Board requests that the Unpaved Secondary Road Funds currently allocated by VDOT for the Dickerson Road Project be added to the County's Secondary System Construction Funds to be used for the Broomley Road Project as provided by Virginia Code § 33.1-23.1:1(C); and

**BE IT FURTHER RESOLVED** that the Board acknowledges that, as provided by Virginia Code § 33.1-23.1:1(C), for each \$250,000 or portion thereof added to the County's Secondary System Construction Funds, the amount of the County's nonsurface treated roads used to distribute Unpaved Secondary Road Funds in subsequent years shall be reduced by one mile or proportional part of one mile; and

**BE IT FURTHER RESOLVED** that the County Executive is authorized to sign the VDOT Construction Program that is amended consistent with this resolution.

Planning Conditions of Approval

SP2008-009-Animal Wellness-

1. Development of the use shall be in accord with the concept plan, entitled "Animal Wellness" prepared by TCS Engineering Co., LLC and last revised July 14, 2009, as determined by the Director of Planning and the Zoning Administrator. To be in conformity with the plan, development shall reflect the following elements only and all other elements of the plan may be modified during site plan review and approval: entrance relocation, general location of parking areas, and outside area for walking animals. Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance;
2. This special use permit applies to the existing building and any new buildings for the veterinary use will require a new special use permit;
3. No overnight boarding use, other than for those animals under medical care shall take place at the veterinary hospital;
4. The building shall be sound-proofed in accordance with Section 5.1.11(b) and air-conditioned;
5. No outdoor exercise area shall be permitted. However, walking of animals is permitted and shall be separated from access by the public and limited to the area behind the building as identified in Attachment D; and
6. Use shall not commence until the building is served by public sewer.

**ORDINANCE NO. 09-14(2)**

AN ORDINANCE TO AMEND CHAPTER 14, SUBDIVISION OF LAND, ARTICLE II, ADMINISTRATION AND PROCEDURE, AND ARTICLE IV, ON-SITE IMPROVEMENTS AND DESIGN, 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 14, Subdivision of Land, Article II, Administration and Procedure, and Article IV, On-Site Improvements and Design, are hereby amended and reordained as follows:

**By Amending:**

- Sec. 14-207 Rural subdivisions
- Sec. 14-224.1 Waiver of certain requirements by the agent
- Sec. 14-225.1 Waiver of certain requirements by the commission
- Sec. 14-404 Lot location to allow access from lot onto street or shared driveway
- Sec. 14-412 Standards for private streets only
- Sec. 14-434 Completion of on-site improvements required prior to plat approval

**Chapter 14. Subdivision of Land****Article II. Administration and Procedure****Sec. 14-207 Rural subdivisions.**

The following sections of this chapter shall apply to each rural subdivision:

- A. *General:* Sections 14-100 through 14-108.
- B. *Administration and procedure:* Sections 14-200 through 14-204 and sections 14-209, 14-226, 14-229 and 14-236.
- C. *Plat requirements and documents to be submitted:* Sections 14-300, 14-301, 14-302(A)(1), (3), (4), (5), (6), (7), (9), (10), (11), (14) and (15), 14-302(B)(1), (2), (4), (5), (6), (7), (8), (9) and (10), 14-303(A), (B), (C), (D), (E), (F), (H), (I), (L), (O) and (P), 14-304, 14-305(B), 14-308.1, 14-309, 14-310, 14-312, 14-314 and 14-316.
- D. *On-site improvements and design:* Sections 14-400, 14-403, 14-404 if any proposed lot would have less than five hundred (500) feet of frontage on a major rural street identified in subsection 14-207(E), 14-406, 14-414, 14-416, 14-421, 14-426, 14-427, 14-433 and 14-438.
- E. The following streets in the rural areas are major rural streets:
  - 1. Barracks Road (SR 654) from Old Garth Road (SR 601) to Georgetown Road (SR 656).
  - 2. Black Cat Road (SR 616) from Richmond Road (US 250) to Interstate 64 east of Charlottesville.
  - 3. Blenheim Road (SR 795) from Coles Rolling Road (SR 712) to the Town of Scottsville line.
  - 4. Browns Gap Turnpike (SR 810) from White Hall Road (SR 810) to Bluffton Road (SR 672).
  - 5. Buck Mountain Road (SR 663) from Earlysville Road (SR 743) to Simmons Gap Road (SR 664).
  - 6. Buck Mountain Road (SR 664) from Markwood Road (SR 664) to Simmons Gap Road (SR 663).

7. Buffalo River Road (SR 664) from Simmons Gap Road (SR 663) to Frays Mountain Road (SR 664).
8. Buffalo River Road (SR 604) from Frays Mountain Road (SR 664) to Lexington Lane (SR 1540).
9. Burnley Station Road (SR 641) from Seminole Trail (US 29) to Watts Passage (SR 600).
10. Critzers Shop Road (SR 151) from Rockfish Gap Turnpike (US 250) to the Nelson County line.
11. Crozet Avenue (SR 810) from Three Notch'd Road (SR 240) to Buck Road (SR 789).
12. Dick Woods Road (SR 637) from Interstate 64 to Taylors Gap Road (SR 708).
13. Earlysville Road (SR 743) from Hydraulic Road (SR 743) to Buck Mountain Road (SR 663).
14. Frays Mill Road (SR 641) from Seminole Trail (US 29) to Spring Hill Road (SR 606).
15. Free Union Road (SR 601) from Garth Road (SR 676) to Chapel Spring Lane (SR 668).
16. Garth Road (SR 601) from Barracks Road (SR 654) to Free Union Road (SR 676).
17. Garth Road (SR 614) from Browns Gap Turnpike (SR 810) to Owensville Road (SR 676).
18. Garth Road (SR 676) from Garth Road (SR 614) to Free Union Road (SR 601).
19. Gordonsville Road (SR 231) from Louisa Road (SR 22) to the Louisa County line.
20. Hansens Mountain Road (FR 179) from Richmond Road (US 250) to its end.
21. Hydraulic Road (SR 743) from Georgetown Road (SR 656) to Rio Road (SR 631).
22. Irish Road (SR 6) from the Nelson County line to the Town of Scottsville line.
23. Ivy Road (US 250) from Three Notch'd Road (SR 240) to the US 29/US 250 interchange.
24. Ivy Depot Road (SR 786) from Ivy Road (US 250) to Dick Woods Road (SR 637).
25. James Monroe Parkway (SR 795) from Carters Mountain Road (SR 627) to Thomas Jefferson Parkway (SR 53).
26. James River Road (SR 726) from Blenheim Road (SR 795) to Irish Road (SR 6).
27. Lego Drive (SR 1090) from Hansens Mountain Road (FR 179) to its end.
28. Louisa Road (SR 22) from Richmond Road (US 250) to the Louisa County line.
29. Markwood Road (SR 664) from Buck Mountain Ford Lane (SR 776) to Buck Mountain Road (SR 665).
30. Miller School Road (SR 635) from Rockfish Gap Turnpike (US 250) to Dick Woods Road (SR 637).
31. Milton Road (SR 729) from Thomas Jefferson Parkway (SR 53) to Richmond Road (US 250).
32. Monacan Trail (US 29) from Interstate 64 to the Nelson County line.
33. Monticello Avenue (SR 20) from Interstate 64 to the City of Charlottesville line.
34. Old Ballard Road/Broomley Road (SR 677) from Ivy Road (US 250) to Owensville Road (SR 676).
35. Old Garth Road (SR 601) from the US 29/US 250 interchange to Barracks Road (SR 654).
36. Old Lynchburg Road (SR 631) from Red Hill Road (SR 708) to Country Green Road (SR 875).

37. Owensville Road (SR 676) from Decca Lane (SR 678) to Garth Road (SR 614).
38. Owensville Road (SR 678) from Ivy Road (US 250) to Owensville Road (SR 676).
39. Plank Road (SR 692) from Monacan Trail (US 29) to Miller School Road (SR 635).
40. Proffit Road (SR 649) from Stony Point Road (SR 20) to Pritchett Lane (SR 785).
41. Reas Ford Road (SR 660) from Earlysville Road (SR 743) to Loftlands Drive (SR 1555).
42. Red Hill Road (SR 708) from Monacan Trail (US 29) to Dudley Mountain Road (SR 706).
43. Reservoir Road (SR 702) from Buckingham Circle (SR 820) to its end.
44. Richmond Road (US 250) from Interstate 64 east of Charlottesville to the Fluvanna County line.
45. Rio Road (SR 631) from Seminole Trail (US 29) to Hydraulic Road (SR 743).
46. Rockfish Gap Turnpike (US 250) from Three Notch'd Road (SR 240) to the Nelson County line.
47. Rolling Road (SR 620) from Presidents Road (SR 795) to the Fluvanna County line.
48. Rolling Road (SR 795) from Rolling Road (SR 620) to Carters Mountain Road (SR 627).
49. Scottsville Road (SR 20) from Interstate 64 to the Town of Scottsville line.
50. Seminole Trail (US 29) from Rio Mills Road (SR 643) to the Greene County line.
51. Simmons Gap Road (SR 663) from Buck Mountain Road (SR 664) to Buffalo River Road (SR 664)
52. Stony Point Road (SR 20) from its southern intersection with Dorrier Drive (SR 1422) to the Orange County line.
53. Thomas Jefferson Parkway (SR 53) from Scottsville Road (SR 20) to the Fluvanna County line.
54. Three Notch'd Road (SR 240) from Ivy Road (US 250) to Crozet Avenue (SR 810).
55. Union Mills Road (SR 616) from Richmond Road (US 250) to the Fluvanna County line.
56. White Hall Road (SR 810) from Browns Gap Turnpike (SR 680) to Buck Road (SR 811).
57. Woodlands Road (SR 676) from Free Union Road (SR 601) to Earlysville Road (SR 743).

(9-5-96, 7-9-86, 12-21-83, 2-4-81, 5-2-79, 11-13-74, 8-28-74; 1988 Code, § 18-13(b); Ord. 98-A(1), 7-15-98; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 09-14(2), 10-14-09)

**State law reference--**Va. Code § 15.2-2241(9).

**Sec. 14-224.1 Waiver of certain requirements by the agent.**

The agent may waive requirements as provided in sections 14-313, 14-401, 14-404, 14-405, 14-407, 14-409, 14-412, 14-419 and 14-420, as follows:

A. A subdivider shall submit to the agent a written request stating the reason and justification for the request and all proposed alternatives. The subdivider shall have the burden of producing the evidence to enable the agent to make the findings required by this section.

B. The subdivider may appeal the disapproval of a waiver, or the approval of a waiver with conditions objectionable to the subdivider, to the commission as provided in section 14-226. In reviewing a waiver request, the commission may approve or disapprove the waiver based upon the applicable findings set

forth in this section, amend any condition imposed by the agent, and impose any conditions it deems necessary.

(Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 09-14(2), 10-14-09)

**Sec. 14-225.1 Waiver of certain requirements by the commission.**

The commission may waive requirements as provided in sections 14-234, 14-409, 14-410, 14-414 and 14-422, as follows:

A. A subdivider shall submit to the agent a written request stating the reason and justification for the request and all proposed alternatives. The subdivider shall have the burden of producing the evidence to enable the commission to make the findings required by this section. The agent shall review the request and transmit his recommendation of approval, approval with conditions, or disapproval to the commission. If the agent recommends approval or approval with conditions, the recommendation shall be accompanied by a statement by the agent as to the public purpose served by the recommendation, particularly in regard to the purpose and intent of this chapter, the zoning ordinance and the comprehensive plan. The director of planning and the county engineer shall provide recommendations to the commission as to whether and how the waiver would accomplish county goals, policies, good planning practice and good engineering practice.

B. The subdivider may appeal the disapproval of a waiver, or the approval of a waiver with conditions objectionable to the subdivider, to the board of supervisors as an appeal of a disapproval of the plat as provided in section 14-226. In reviewing a waiver request, the board may approve or disapprove the waiver based upon the applicable findings set forth in this section, amend any condition imposed by the commission, and impose any conditions it deems necessary.

(9-5-96, 8-28-74 (§ 10); 1988 Code, § 18-3; Ord. 98-A(1), 8-5-98, § 14-237; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 09-14(2), 10-14-09)

**State law reference**--Va. Code § 15.2-2242(1).

**Article IV. On-Site Improvements and Design**

**Sec. 14-404 Lot location to allow access from lot onto street or shared driveway.**

Each lot within a subdivision shall be located as follows:

A. *Single point of access required.* Each lot, other than a corner lot within the development areas, shall have reasonable access to the building site from only one street, shared driveway or alley established at the same time as the subdivision; provided that, if the subdivision is in the rural areas, each lot created from the subsequent division of any lot within the subdivision shall enter only onto such street(s) established at the same time as the original subdivision and shall have no immediate access onto any other public street.

B. *Conditions when single point of access not required.* Notwithstanding subsection (A), a lot may be located so that it has reasonable access to the building site from a public street abutting the subdivision if: (i) the agent approves a waiver under subsection (C); (ii) the subdivider obtains an entrance permit from the Virginia Department of Transportation for the access; (iii) the entrance complies with the design standards set forth in sections 14-410(F) and 14-410(G); and (iv) the subdivider demonstrates to the agent prior to approval of the final plat that the waiver does not violate any covenants to be recorded for the subdivision.

C. *Standards for waiver.* The requirements of subsection (A) may be waived by the agent as provided in section 14-224.1. A request for a waiver may be made prior to or with submittal of a preliminary or final plat, as follows:

1. *Information to be submitted.* A request shall include a justification for the waiver and a conceptual plan. The conceptual plan shall: (i) be drawn at a scale no smaller than one (1) inch equals two hundred (200) feet showing surveyed boundaries of the property or an alternative scale approved by the agent; (ii) show the topography of the property at the best interval available from the County including delineation of

proposed building sites; (iii) show the locations of streams, stream buffers, critical slopes, floodplains, and known wetlands; and (v) show the proposed layout of lots, location of existing features such as buildings, fences, drainfields, existing driveways or other access ways, or other significant features.

2. *Consideration and findings.* In reviewing a waiver request, the agent shall consider whether: (i) installing a single point of access would substantially impact environmental resources such as streams, stream buffers, critical slopes, and floodplain; (ii) construction of a single point of access would substantially impact features existing on the property prior to October 14, 2009; (iii) granting the waiver would contribute to maintaining an agricultural or forestal use of the property; and (iv) granting the waiver would facilitate development of areas identified in the open space plan as containing significant resources. In approving a waiver, the agent shall find that requiring the extension would not forward the purposes of this chapter or otherwise serve the public interest; and granting the waiver would not be detrimental to the public health, safety or welfare, to the orderly development of the area, to sound engineering practices, and to the land adjacent thereto.

D. *Terms defined.* For purposes of this section, the term “reasonable access” means a location for a driveway or, if a driveway location is not provided, a location for a suitable foot path from the parking spaces required by the zoning ordinance to the building site; the term “within the subdivision” means within the exterior boundary lines of the lands being divided.

(§ 18-36 (part), 9-5-96, 8-28-74; § 18-39 (part), 9-5-96, 10-19-77, 5-10-77, 8-28-74; 1988 Code, §§ 18-36, 18-39; Ord. 98-A(1), 8-5-98, §§ 14-500(C), 14-505; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 09-14(2), 10-14-09)

**State law reference--**Va. Code § 15.2-2241(5).

#### **Sec. 14-412 Standards for private streets only.**

In addition to the minimum design requirements set forth in section 14-410, the following minimum design requirements shall apply to private streets authorized by this chapter:

A. *Residential private streets.* Each private street serving detached residential uses authorized under sections 14-232 or 14-233 shall satisfy the following:

1. *Streets serving two lots.* Each private street serving two (2) lots: (i) shall not exceed a sixteen (16) percent grade calculated over a distance of fifty (50) feet; (ii) shall have a travelway that is at least ten (10) feet in width; and (iii) shall include a rectangular zone superjacent to the driveway that is clear of all obstructions, including any structures and vegetation, that is at least ten (10) feet in width and fourteen (14) feet in height. The subdivider shall demonstrate to the satisfaction of the county engineer that the street will meet the requirements of this subsection.

2. *Streets serving three to five lots.* Each private street serving three (3) to five (5) lots shall satisfy the following: (i) vertical centerline curvature shall meet a minimum design K value of five (5) for crest curves and fifteen (15) for sag curves; (ii) sight distances shall not be less than one hundred (100) feet; (iii) turnarounds shall be provided at the end of each street per American Association of State Highway and Transportation Officials guidelines; (iv) street easements or right-of-way widths shall be thirty (30) feet minimum; and (v) the radius for horizontal curvature shall be forty (40) feet or greater, unless otherwise authorized by this chapter. Any standard in this paragraph (2) may be reduced to the standard for streets serving two (2) lots where a driveway departs from the street and two lots remain to be served, and a turnaround is provided. In addition, the following shall also apply:

(a) *Private streets in the rural areas.* For such private streets in the rural areas: (i) travelway widths shall be fourteen (14) feet minimum, with three (3) feet minimum shoulder widths, and a minimum of four (4) feet from the edge of the shoulder to the ditch centerline; (ii) the grade shall not exceed sixteen (16) percent calculated over a distance fifty (50) feet; (iii) if the grade of any portion of the street exceeds seven (7) percent, the entire street shall be surfaced as required by Virginia Department of Transportation standards; streets having a grade of seven (7) percent or less may have a gravel surface; and (iv) the street shall have a rectangular zone superjacent to the street that is clear of all obstructions, including any structures and vegetation, that is at least fourteen (14) feet in width and fourteen (14) feet in height.

(b) *Private streets in the development areas.* For such private streets in the development areas: (i) an urban cross-section street design shall be provided, with a minimum width of twenty (20) feet measured from the curb faces or such alternative design, including a street easement or right-of-way width, deemed adequate by the county engineer to be equivalent to or greater than the applicable standard in the design standards manual, so as to adequately protect the public health, safety or welfare; additional widths shall be provided for gutters to control drainage at the discretion of the county engineer; and (ii) the entire street shall be surfaced as required by Virginia Department of Transportation standards.

3. *Streets serving six lots or more.* Each private street serving six (6) or more lots shall satisfy Virginia Department of Transportation standards, provided:

(a) *Private streets in the rural areas.* For such private streets in the rural areas, the commission may approve Virginia Department of Transportation standards for mountainous terrain if the subdivider demonstrates, for a specific, identifiable reason, the general welfare, as opposed to the proprietary interests of the subdivider, would be better served by the application of those standards.

(b) *Private streets in the development areas.* For such private streets in the development areas, the agent may approve Virginia Department of Transportation standards for mountainous terrain or an alternative standard deemed adequate by the county engineer to be equivalent to or greater than the applicable standard in the design standards manual, so as to adequately protect the public health, safety or welfare.

4. *Streets serving family subdivisions.* Each private street authorized to serve a family subdivision under section 14-232(B)(1) shall satisfy the following: (i) easement or right-of-way widths shall be ten (10) feet minimum; and (ii) the surveyor shall include the following wording on the plat: "The existing and/or proposed right-of-way is of adequate width and horizontal and vertical alignment to accommodate a travelway passable by ordinary passenger vehicles in all but temporary extreme weather conditions, together with area adequate for maintenance of the travelway, as required by section 14-412 of the Albemarle County Code."

B. *Private streets serving non-residential, non-agricultural, attached residential, multi-unit residential and combined residential and non-residential uses.* Each private street authorized to serve non-residential, non-agricultural, attached residential, multi-unit residential and combined residential and non-residential uses under sections 14-232 or 14-233 shall satisfy Virginia Department of Transportation standards or an alternative standard deemed adequate by the agent, upon the recommendation of the county engineer, to be equivalent to or greater than the applicable standard in the design standards manual, so as to adequately protect the public health, safety or welfare. The agent may require minimum travelway widths to provide for on-street parking upon a determination that the provisions for off-street parking may be inadequate to reasonably preclude unauthorized on-street parking.

C. *Clearing land for improvements.* A private street constructed to Virginia Department of Transportation standards shall not be subject to that department's clear zone requirements.

D. *Landscaping and other improvements permitted.* Subsequent to construction of a private street, a subdivider may install ornamental plantings and any other improvements provided that they do not conflict with sight distance, drainage facilities or other required improvements.

E. *Waiver.* The standards of sections 14-412(A)(1)(i) and 14-412(A)(2)(a) relating to street easement or right-of-way widths may be waived by the agent as provided in section 14-224.1, as follows:

1. *Waiver of section 14-412(A)(1)(i).* The agent, with the recommendation of the county engineer and the fire marshal, may waive the standard in section 14-412(A)(1)(i) and authorize a street having a grade that exceeds sixteen (16) percent if the subdivider demonstrates to the satisfaction of the county engineer and the fire marshal that public safety vehicles would be able to access each lot even though the grade may exceed sixteen (16) percent. In developing their recommendation to the agent, the county engineer and the fire marshal shall consider: (i) the length of the segment of the street that would exceed sixteen (16) percent; and (ii) whether the segment that would exceed sixteen (16) percent would require the public safety vehicle to travel uphill towards each lot. In authorizing such a grade, the agent may impose reasonable conditions to assure

that the public safety vehicles may access the lot including, but not limited to, a condition limiting the maximum length any segment of the driveway may exceed sixteen (16) percent.

2. *Waiver of section 14-412(A)(2)(a).* In reviewing a waiver request for a lesser street easement or right-of-way width under section 14-412(A)(2)(a), the agent shall consider whether: (i) the subdivision will be served by an existing easement or right-of-way of fixed width that cannot be widened by the subdivider after documented good faith effort to acquire additional width; and (ii) the existing easement or right-of-way width is adequate to accommodate the required travelway and its maintenance. If the waiver pertains to minimum street easement or right-of-way widths over an existing bridge, dam or other structure, the agent shall consider whether: (i) the long-term environmental impacts resulting from not widening the bridge, dam or other structure outweigh complying with the minimum width requirements, as determined by the county engineer; or (ii) whether the bridge, dam or other structure is a historical structure. In approving a waiver, the agent shall find that requiring the standard street easement or right-of-way widths would not forward the purposes of this chapter or otherwise serve the public interest; and granting the waiver would not be detrimental to the public health, safety or welfare, to the orderly development of the area, to sound engineering practices, and to the land adjacent thereto.

G. *Eligibility for future acceptance into the system of state highways.* Any and all streets that are not constructed to meet the standards necessary for inclusion in the system of state highways shall be privately maintained and shall not be eligible for acceptance into the system of state highways unless improved to current Virginia Department of Transportation standards with funds other than those appropriated by the General Assembly and allocated by the Commonwealth Transportation Board.

(§ 18-36, 9-5-96, 8-28-74; § 18-37, 9-5-96, 11-21-79, 3-29-78, 8-28-74(part); 1988 Code, §§ 18-36, 18-37, 18-38; Ord. 98-A(1), 8-5-98, § 14-514; Ord. 02-14(1), 2-6-02; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 09-14(2), 10-14-09)

**State law reference--**Va. Code §§ 15.2-2242(3), 33.1-72.2.

#### **Sec. 14-434 Completion of on-site improvements required prior to plat approval.**

Except as provided in section 14-435, all on-site improvements required by this chapter shall be completed prior to approval of the final plat. Prior to approval of the final plat:

A. The subdivider shall submit to the agent a certificate of completion of all of the improvements prepared by a professional engineer or a land surveyor, to the limits of his license; and

B. The subdivider shall certify to the agent that all of the construction costs for the improvements, including those for materials and labor, have been paid to the person constructing the improvements.

9-5-96, 12-15-82, 4-21-76, 2-19-76, 8-28-74 (§ 3); 1988 Code, § 18-18; Ord. 98-A(1), 8-5-98, § 14-412; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 09-14(2), 10-14-09)

**State law reference--**Va. Code § 15.2-2241(5).

This ordinance shall be effective on and after October 14, 2009; provided, however, that any subdivision plat submitted on or before October 13, 2009 and approved on or before January 14, 2010, may be approved under the subdivision ordinance in effect on October 13, 2009.

**ORDINANCE NO. 09-18(9)**

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, are hereby amended and reordained as follows:

**By Amending:**

|              |   |
|--------------|---|
| Sec. 3.1     | Definitions   |
| Sec. 8.2     | Relation of planned development regulations to other zoning regulations   |
| Sec. 8.3     | Planned development defined   |
| Sec. 8.5.1   | Applications and documents to be submitted  |
| Sec. 8.5.2   | Preapplication conferences  |
| Sec. 8.5.3   | Review and recommendation by the planning commission  |
| Sec. 8.5.4   | Review and action by the board of supervisors   |
| Sec. 8.5.5   | Final site plans and subdivision plats  |
| Sec. 8.5.5.1 | Contents of site plans and subdivision plats  |
| Sec. 8.5.5.2 | Review of site plans and subdivision plats  |
| Sec. 8.5.5.3 | Variations from approved plans, codes, and standards of development   |
| Sec. 8.5.5.4 | Building permits and erosion and sediment control permits   |
| Sec. 8.5.5.5 | Site plan and subdivision plat requirements for planned development zoning districts established without an application or application plan |
| Sec. 8.6     | Amendments to planned development districts   |
| Sec. 20A.3   | Application requirements; required documents and information  |
| Sec. 20A.4   | General development plans   |
| Sec. 20A.5   | Codes of development  |
| Sec. 20A.6   | Permitted uses  |
| Sec. 20A.7   | Residential density   |
| Sec. 20A.9   | Green spaces, amenities, conservation areas and preservation areas  |
| Sec. 20A.10  | Streets   |

**Chapter 18. Zoning****Article I. General Provisions****Sec. 3.1 Definitions.**

*Application plan:* The graphic depiction of a proposed development containing the information required by section 8.5.1(e) and, within the neighborhood model district, section 20A.4. A plan designated and approved as a general development plan for a neighborhood model district between March 19, 2003 and October 14, 2009 is an application plan for the purposes of this chapter. (Added 3-19-03)

*Block:* An area shown on an application plan that is typically surrounded by streets and within which land use activities occur. Although blocks usually imply a grid street system, where steep topography exists blocks may exist in non-rectilinear shapes. (Added 3-19-03)

## Article II. Basic Regulations

### Sec. 8.2 Applicable regulations; waivers and modifications.

Planned developments shall be subject to the following regulations in this chapter:

- a. *Sections applicable.* Unless expressly superseded by a regulation of the applicable planned development district, the regulations of this chapter, other than those pertaining to conventional development districts stated in sections 10 through 18, 20B, 22, 23, 24, 27 and 28, shall apply to each planned development district unless the subject matter is expressly addressed in the code of development under section 20A.5, or the regulation is waived or modified as provided in subsection 8.2(b).
- b. *Waivers and modifications.* An applicant may request that any requirement of sections 4, 5, 21, 26 and 32, or the applicable planned development district regulations be waived or modified by the board of supervisors, as follows:
  1. *Submittal of request for waiver or modification.* If the applicant requests such a waiver or modification as part of the application plan, the applicant shall submit its request in writing as part of the application plan, and shall demonstrate how the findings required by subsection 8.2(b)(3) would be satisfied.
  2. *Timing of request.* Notwithstanding any regulation in sections 4, 5, 21, 26 or 32 establishing a procedure for considering a waiver or modification, any request for a waiver or modification shall be reviewed and considered as part of the application plan; provided that an owner within a planned development may request a waiver or modification of any requirement of sections 4, 5, 21, 26 or 32 at any time, under the procedures and requirements established therefore.
  3. *Findings.* In addition to making the findings required for the granting of a waiver or modification in sections 4, 5, 21, 26 or 32, a waiver or modification may be granted only if it is also found: (i) to be consistent with the intent and purposes of the planned development district under the particular circumstances, and satisfies all other applicable requirements of section 8; (ii) to be consistent with planned development design principles; (iii) that the waiver or modification would not adversely affect the public health, safety or general welfare; and (iv) in the case of a requested modification, that the public purposes of the original regulation would be satisfied to at least an equivalent degree by the modification.
  4. *Express waiver or modification.* Each waiver and modification must be expressly granted and no waiver or modification shall be deemed to have been granted by implication.

(12-10-80; Ord. 03-18(2), 3-19-03; Ord. 05-18(5), 6-8-05)

### Sec. 8.3 Planned development defined.

A planned development is a development that meets all of the following criteria at the time it is established or amended: (1) the area proposed to be rezoned or the area within the planned development district is under unified control and will be planned and developed as a whole; (2) the development conforms with one or more approved application plans; and (3) in all planned development districts other than a planned historic district, the development will provide, operate and maintain common areas, facilities and improvements for some or all occupants of the development where these features are appropriate.

(12-10-80; Ord. 03-18(2), 3-19-03; Ord. 05-18(5), 6-8-05)

#### Sec. 8.5.1 Applications and documents to be submitted.

Each application for a planned development district shall be submitted as provided for other zoning map amendments. The documents required by subsections (a) through (e) below shall be submitted with the application. After the application is submitted, the director of planning may request additional plans, maps, studies and reports such as, but not limited to, traffic impact analyses, identification of specimen trees, and

reports identifying potential non-tidal wetlands which are deemed reasonably necessary to analyze the application:

- a. A regional context map at a scale of not less one (1) inch equal to one thousand (1000) feet showing topography at a maximum of ten (10) foot intervals, surrounding properties, improvements to those properties, surrounding public streets, private roads, and other thoroughfares;
- b. An accurate boundary survey of the area to be rezoned showing the location and type of boundary evidence and the source of the survey;
- c. A map at a scale of not less than one (1) inch equal to one hundred (100) feet, provided that another interval and/or scale may be required or permitted by the director of planning where the size of the area proposed to be rezoned or topographic considerations warrant, showing:
  1. The following existing physical conditions: streams, wooded areas, potential non-tidal wetlands, slopes in excess of twenty-five (25) percent, historic structures and sites included in the records of the Virginia Department of Historic Resources, cemeteries, floodplain, and any identified features in the open space element of the comprehensive plan;
  2. Existing topography accurately shown using the county's geographic information system or better topographical information, and the source of the topographical information;
  3. Existing roads, easements, and utilities;
  4. The name of the proposed development; the names of all owners; the name of the developer, if different from the owner; the name of the person who prepared the plan; all tax map and parcel numbers in fourteen (14) digit format; the zoning district and all overlay zoning districts; the magisterial district; the north point; the scale; one datum reference for elevation; if any part of the area proposed to be rezoned is within the flood hazard overlay district (section 30.3), United States Geological Survey vertical datum shall be shown and/or correlated to plan topography; sheet numbers on each sheet and the total number of sheets; the date of the drawing; and the date and description of the last revision;
  5. The present use of abutting parcels; ~~and~~ the location of structures on abutting parcels, if any; and departing lot lines; and
  6. The existing location, type and size of ingress and egress to the site;
- d. A traffic impact statement meeting the requirements of state law including, but not limited to, 24 VAC 30-155-10 *et seq.*;
- e. An application plan at a scale of not less than one (1) inch equal to one hundred (100) feet, provided that another interval and/or scale may be required or permitted by the director of planning where the size of the area proposed to be rezoned or topographic considerations warrant, showing:
  1. The areas to be designated as preservation areas, if appropriate, and areas to be designated as conservation areas, such as streams, wooded areas, specimen trees, non-tidal wetlands, and other significant environmental features;
  2. Conceptual grading/topography using the county's geographic information system or better topographical information, and the source of the topographical information, supplemented where necessary by spot elevations and areas of the site where existing slopes are twenty-five (25) percent or greater;
  3. The general location of proposed streets, alleys, sidewalks, and pedestrian paths;
  4. Typical street cross-sections to show proportions, scale, and streetscape;

5. Connections to existing and proposed streets, as well as proposed thoroughfares shown on the comprehensive plan;
6. The general lay-out for the water and sewer systems, conceptual stormwater management, and a conceptual mitigation plan;
7. The location of central features or major elements within the development essential to the design of the development, such as major employment areas, parking areas and structures, civic areas, parks, open space, green spaces, amenities and recreation areas;
8. A summary of land uses including dwelling types and densities, and the gross floor areas for commercial and industrial uses;
9. A conceptual lot layout; and
10. Standards of development including proposed yards, building heights, open space characteristics, and any landscape or architectural characteristics related to scale, proportions, and massing at the edge of the district.

(12-10-80; Ord. 03-18(2), 3-19-03)

#### **Sec. 8.5.2 Preapplication conferences.**

Each applicant for a planned development shall attend a joint meeting with the staff of the department of community development as well as other qualified officials from outside agencies such as the Virginia Department of Health, the Virginia Department of Transportation, and the Albemarle County Service Authority to review the application plan and the proposed development before the application is submitted. The purpose of the preapplication conference shall be to assist the applicant to assure that the application and the documents to be submitted with the application comply with all applicable regulations, and to identify as soon as possible conflicting regulations and necessary waivers or modifications.

Each applicant is encouraged to use the guidance provided in the preapplication conference process to develop an application for a planned development that, when submitted with its supporting documents, will be as complete and comprehensive as possible.

(§ 8.5.3, 12-10-80; Ord. 03-18(2), 3-19-03)

(Former § 8.5.2 Planning Commission Procedures Repealed 3-19-03)

#### **Sec. 8.5.3 Review and recommendation by the planning commission.**

Each application to establish or amend a planned development district shall be reviewed and acted on by the planning commission as follows:

- a. The commission shall consider and make its recommendation to the board of supervisors on each application for a planned development district as it does for other zoning map amendments. Within the time provided to make a recommendation, the commission may hold work sessions on the application and proceed to a public hearing after it determines that no further work sessions are necessary, or at any time the applicant requests a public hearing.
- b. In addition to any other factors relevant to the consideration of a zoning map amendment, the commission shall consider the following:
  1. Whether the proposed planned development or amendment thereto satisfies the purpose and intent of the planned development district.
  2. Whether the area proposed to be rezoned is appropriate for a planned development under the comprehensive plan; the physical characteristics of the area proposed to be rezoned; and the relation of the area proposed to be rezoned to the surrounding area; and

3. The relation of the proposed planned development to major roads, utilities, public facilities and services.
- c. The commission shall either recommend approval of the application as proposed, approval of the application with changes to be made prior to action on the application by the board of supervisors, or disapproval. The commission shall also make recommendations on all requested waivers and modifications.

(§ 8.5.4, 12-10-80; Ord. 03-18(2), 3-19-03)

#### **Sec. 8.5.4 Review and action by the board of supervisors; effect of approval.**

Each application to establish or amend a planned development district shall be reviewed and acted on by the board of supervisors, and approval of the application shall have effect, as follows:

- a. *Review and action.* The board of supervisors shall consider and act on each application for a planned development district as it does for other zoning map amendments. If the board approves the application, the approving action shall constitute approval of the application plan, all standards of development submitted by the applicant, and the code of development, as applicable. The board's action shall also identify which proffers it has accepted and which waivers or modifications it has granted.
- b. *Effect of approval.* Upon approval of an application, the application plan, all standards of development submitted by the applicant, the code of development, as applicable, all accepted proffers, and all approved waivers and modifications shall be included as part of the zoning regulations applicable to the planned development.

(§ 8.5.5, 12-10-80; Ord. 03-18(2), 3-19-03)

#### **Sec. 8.5.5 Site plans and subdivision plats.**

##### **Sec. 8.5.5.1 Contents of site plans and subdivision plats.**

Each site plan and subdivision plat submitted for development in a planned development shall comply with the following:

- a. *Generally.* Each site plan for a planned development shall comply with section 32 of this chapter, subject to the waiver or modification of any such regulation pursuant to section 8.2(b). Each subdivision plat for a planned development shall comply with chapter 14 subject to the waiver, variation or substitution of any such regulation pursuant to section 14-237.
- b. *Within the neighborhood model zoning district.* In addition to the requirements of subsection (a), each site plan or subdivision plat for a planned development within the neighborhood model zoning district shall pertain to a minimum area of one block and shall include a phasing plan, and each site plan shall include building elevations for all new or modified structures.

(§ 8.5.6.1, 12-10-80; 9-9-92; § 8.5.5.1, Ord. 03-18(2), 3-19-03)

##### **Sec. 8.5.5.2 Review of site plans and subdivision plats.**

Each preliminary and final site plan and subdivision plat for a planned development shall be reviewed for compliance with the applicable regulations, as follows:

- a. *Planned development districts established on or before December 10, 1980.* Each preliminary and final site plan and subdivision plat within a planned development district established on or before December 10, 1980 shall be reviewed for compliance with the applicable regulations when the site plan or subdivision plat is under county review; provided that, at the option of the developer or subdivider, each preliminary and final site plan and subdivision plat may be reviewed for compliance with the applicable regulations in effect when the planned development was approved if the developer or subdivider

establishes a vested right as provided in Virginia Code §§ 15.2-2296 *et seq.* or 15.2-2307 to develop under the previously approved planned development district.

- b. *Planned development districts established after December 10, 1980.* Each preliminary and final site plan and subdivision plat within a planned development district established after December 10, 1980 shall be reviewed for compliance with the applicable regulations in effect when the planned development district was established or, at the option of the developer or subdivider, in effect when the site plan or subdivision plat is under county review; subject to the following:
1. *Election to comply with regulations in effect when district established; exception for certain current subjects of regulation unless vested rights established.* If the developer or subdivider elects to have its site plan or subdivision plat reviewed for compliance with the applicable regulations in effect when the planned development district was established, all of the following subjects of regulation in effect when the site plan or subdivision plat is under county review shall apply unless vested rights are established under Virginia Code §§ 15.2-2296 *et seq.* or 15.2-2307: (i) entrance corridor overlay district (section 30.6); (ii) flood hazard overlay district (section 30.3); (iii) landscaping and screening (section 32.7.9); (iv) outdoor lighting (section 4.17); (v) parking (section 4.12); and (vi) signs (section 4.15). If rights are determined to have vested, the regulations for these six subjects in effect when rights vested shall apply. For the purposes of this section 8.5.5.2(b), an application plan approved on and after March 19, 2003 that complies with the requirements of an application plan under section 8.5.1(e) or section 20A.4, or a prior version thereof in effect on and after March 19, 2003, is a significant governmental act within the meaning of Virginia Code § 15.2-2307.
  2. *Election to comply with regulations in effect when district established; election to comply with certain current subjects of regulation.* If the developer or subdivider elects to have its site plan or subdivision plat reviewed for compliance with the applicable regulations in effect when the planned development district was established, the developer or subdivider may also elect to comply with one or more of the subjects of regulation listed in subsection 8.5.5.2(b)(1) in effect when the site plan or subdivision plat is under county review instead of with the corresponding regulations in effect when the planned development district was established.
- c. *Review for compliance and conformance.* A site plan or subdivision plat shall be reviewed to determine whether it complies with the applicable regulations and other requirements of law, and whether it conforms to the application plan, as follows:
1. *Zoning administrator.* The zoning administrator shall determine whether a site plan or subdivision plat complies with the applicable regulations. In addition, the zoning administrator, after consultation with the director of planning, shall determine whether the proposed permitted uses comply with the applicable regulations and, in doing so, may permit as a use by right a use that is not expressly classified in this chapter if the zoning administrator further determines that the use is similar in general character to the uses permitted by right in the district or by the code of development and is similar in terms of locational requirements, operational characteristics, visual impacts, and traffic, noise and odor generation.
  2. *Director of planning.* The director of planning shall determine whether a site plan or subdivision plat conforms to the application plan. In determining conformity, the director shall determine whether the central features or major elements within the development are in the same location as shown on the application plan and if the buildings, parking, streets, blocks, paths and other design elements are of the same general character, scope and scale as shown on the application plan.
  3. *County engineer.* The county engineer shall determine whether an erosion and sediment control plan, grading plan, stormwater management plan, road or street plan, and mitigation plan conform with the concept grading, stormwater management, streets, and mitigation shown on the application plan.
- d. *Applicable regulations defined.* For the purposes of this section 8.5.5.2, the term “applicable regulations” means, as appropriate and applicable, all zoning regulations, all subdivision regulations,

the application plan (except for those elements authorized to be shown at a conceptual or general level), including those plans formerly referred to as general development plans, conditions of approval, accepted proffers, the code of development, special use permits, variances, and waivers, modifications and variations.

- e. *Applicability of chapter 17.* Each preliminary and final site plan and subdivision plat within a planned development district shall be reviewed for compliance with chapter 17 of the Albemarle County Code in effect when the site plan or subdivision plat is under county review, regardless of when the planned development was established or whether the developer or subdivider elects, or establishes vested rights, under sections 8.5.5.2(a) and (b) to proceed with review under the applicable regulations in effect when the planned development was approved.
- f. *Vested rights not impaired.* Nothing in this section shall be construed as authorizing the impairment of a vested right that may be established under Virginia Code §§ 15.2-2261(C), 15.2-2297, 15.2-2298, 15.2-2303 or 15.2-2307.

(§ 8.5.6.2, 12-10-80; 9-9-92; § 8.5.5.2, Ord. 03-18(2), 3-19-03)

### **Sec. 8.5.5.3 Variations from approved plans, codes, and standards of development.**

The director of planning may allow a site plan or subdivision plat for a planned development to vary from an approved application plan, standard of development and, also, in the case of a neighborhood model district, a code of development, as provided herein:

- a. The director of planning is authorized to grant a variation from the following provisions of an approved plan, code or standard:
  - 1. Minor changes to yard requirements, build-to lines or ranges, maximum structure heights and minimum lot sizes;
  - 2. Changes to the arrangement of buildings and uses shown on the plan, provided that the major elements shown on the plan and their relationships remain the same;
  - 3. Changes to phasing plans;
  - 4. Minor changes to landscape or architectural standards;
  - 5. Minor changes to street design and street location, subject to a recommendation for approval by the county engineer; and
  - 6. Minor changes to the design and location of stormwater management facilities, minor land disturbance including disturbance within conservation areas, and mitigation, all subject to a recommendation for approval by the county engineer.
- b. The applicant shall submit a written request for a variation to the director of planning. The request shall specify the provision of the plan, code or standard for which the variation is sought, and state the reason for the requested variation. The director may reject a request that fails to include the required information.
- c. The director of planning is authorized to grant a variation upon a determination that the variation: (1) is consistent with the goals and objectives of the comprehensive plan; (2) does not increase the approved development density or intensity of development; (3) does not adversely affect the timing and phasing of development of any other development in the zoning district; (4) does not require a special use permit; and (5) is in general accord with the purpose and intent of the approved application.
- d. The director of planning may require that the applicant provide an updated application plan and, in the case of changes to a code of development, a complete amended code of development, reflecting the approved variation and the date of the variation. If the director requires an updated application plan or code of development, the granting of the variation shall be conditional upon the applicant providing the

plan or code within thirty (30) days after approval of the variation and a determination by the director that the plan or code were revised to correctly reflect the granted variation.

- e. Any variation not expressly provided for herein may be accomplished by zoning map amendment.

(§ 8.5.6.3, 12-10-80; 9-9-92; § 8.5.5.3, Ord. 03-18(2), 3-19-03)

#### **Sec. 8.5.5.4 Building permits and grading permits.**

Building permits and grading permits may be issued as provided herein:

- a. A building permit, including any special footings or foundation permits, may be issued for any work within a planned development, excluding the installation of street signs, only after the approval of the final site plan or final subdivision plat in the area in which the permit would apply.
- b. A grading permit may be issued for site preparation grading associated with an approved planned development if the erosion and sediment control plan measures, disturbed area and grading are in conformity with the concept grading and measures shown on the application plan as determined by the county engineer, after consultation with the director of planning.
- c. If, after consultation with the director of planning, the county engineer finds that there is not enough detail on the application plan to assure that the proposed grading and other measures are consistent with the application plan, a grading permit shall not be issued until the final site plan is approved, or the final subdivision plat is tentatively approved.
- d. Within each neighborhood model district, the department of community development shall review each building permit application or modification to determine whether the proposed structure conforms with the architectural and landscape standards in the approved code of development.

(§ 8.5.6.4, 12-10-80; 9-9-92; § 8.5.5.4, Ord. 03-18(2), 3-19-03)

#### **Sec. 8.5.5.5 Site plan and subdivision plat requirements when there is no application plan.**

Site plans and subdivision plats within a planned development district for which an application plan was not approved shall be subject to the following:

- a. *No valid site plan or subdivision plat at time district established.* If a planned development district was established before an application plan was required by section 8 to be approved as part of the zoning map amendment and neither a final site plan or subdivision plat pertaining to the entirety of the planned development district was valid at the time of the zoning map amendment nor was approved in conjunction with the approval of the zoning map amendment, then neither a site plan nor a subdivision plat shall be approved for any lands within the district unless and until an application plan and all other documents required by section 8.5 are submitted by the owner and are approved as provided therein.
- b. *Valid site plan or subdivision plat at time district established.* If a planned development district was established before an application plan was required by section 8 to be approved as part of the zoning map amendment but a final site plan or subdivision plat pertaining to the entirety of the planned development district was valid at the time of the zoning map amendment or was approved in conjunction with the approval of the zoning map amendment, the valid or approved site plan or subdivision plat shall be deemed to be the application plan, and the site plan or subdivision plat shall be reviewed as provided in section 8.5.5.2. (Amended 7-16-86)

(§ 8.5.6.5, 12-10-80; 9-9-92; § 8.5.5.5, Ord. 03-18(2), 3-19-03)

#### **Sec. 8.6 Amendments to planned development districts.**

A planned development district may be amended after it is established, either by the addition or removal of land, or by an amendment to the application plan, code of development, proffers or any waiver or modification, in

accordance with the procedures and requirements of section 8 and those applicable to zoning map amendments generally, and subject to the following additional requirements:

- a. *Eligible applicant.* Any owner, contract purchaser with the owner's consent, or any authorized agent of the owner, of one or more parcels within a planned development district may apply to amend the existing planned development district as it pertains to the owner's parcel(s). The owner of each parcel to which the proposed amendment would result in or require a physical change to the parcel, a change in use, density or intensity on that parcel, a change to any proffer or regulation in a code of development that would apply to the parcel, a change to an owner's express obligation under a proffer or regulation in a code of development even if the proffer or regulation is not expressly changed, or a change to the application plan that would apply to the parcel, shall be an applicant.
- b. *Amendment affecting less area than the entire district; map.* If the proposed amendment would affect less area than the entire district, the applicant shall submit a map showing the entire existing planned development district and identifying any area to be added to or deleted from the district, or identifying the area to which the amended application plan, code of development, proffers or any waiver or modification would apply.
- c. *Individual notice.* In addition to any notice required by Virginia Code § 15.2-2204 and sections 33.4 and 33.8 of this chapter, written notice of the proposed amendment shall be provided to the owner of each parcel within the planned development district. The substance of the notice shall be as required by Virginia Code § 15.2-2204(B), paragraph 1, regardless of the number of parcels affected.
- d. *Factors to consider during review of proposed amendment.* In addition to any other applicable factors to be considered in the review of a zoning map amendment, the following shall also be considered:
  1. Whether the proposed amendment reduces, maintains or enhances the elements of a planned development set forth in section 8.3.
  2. The extent to which the proposed amendment impacts the other parcels within the planned development district.

### **Article III. District Regulations**

#### **Sec. 20A.3 Application requirements; required documents and information.**

Except where the option is exercised as provided in subsection 20A.3(b), below, the following documents and information shall be submitted in addition to any other documents required to be submitted under section 8.5 of this chapter:

- a. A statement describing how the proposed NMD satisfies the intent of the zoning ordinance and is consistent with the applicable goals and objectives of the comprehensive plan, the land use plan, the master plan for the applicable development area, and the Neighborhood Model; if one or more characteristics of the Neighborhood Model delineated in section 20A.1 are missing from an application, the applicant shall justify why all of the characteristics cannot or should not be provided;
- b. A parking and loading needs study that demonstrates parking needs and requirements and includes strategies for dealing with these needs and requirements, including phasing plans, parking alternatives as provided in section 4.12.8 of this chapter, and transportation demand management strategies as provided in section 4.12.12 of this chapter; provided that the applicant may elect to submit the parking and loading needs study in conjunction with the preliminary site plan for the development if it determines that the uses that may occupy the buildings are not sufficiently known at the time of the zoning map amendment.
- c. Strategies for establishing shared stormwater management facilities, off-site stormwater management facilities, and the proposed phasing of the establishment of stormwater management facilities.
- d. An application plan, as provided in section 20A.4, including all information required by sections 8 or 20A to support any element of the plan.

- e. A code of development, as provided in section 20A.5, including all information required by sections 8 or 20A to support any element of the code.

(Ord. 03-18(2), 3-19-03)

**Sec. 20A.4 Application plans.**

In addition to the application plan requirements of section 8.5.1(e), the following are required elements of an application plan in the NMD:

- a. The general location of proposed streets, alleys, sidewalks, and pedestrian paths;
- b. The location of proposed green spaces, amenities, conservation areas or preservation areas, as provided in section 20A.9;
- c. A conceptual lot lay-out;
- d. Conceptual grading/topography using the county geographic information system or better topographic information supplemented where necessary by spot elevations and areas of the site where existing slopes are twenty-five (25) percent or greater;
- e. Typical street cross-sections to show proportions, scale, and streetscape, which, alternatively, may be provided in the code of development;
- f. Any proposed connections to existing and proposed streets, as well as proposed thoroughfares shown on the comprehensive plan;
- g. The general lay-out for the water and sewer systems, conceptual stormwater management, and a conceptual mitigation plan; and
- h. The location of central features or major elements within the development essential to the design of the development, such as building envelopes, major employment areas, parking areas and structures, civic areas, parks, open space, green spaces, amenities and recreation areas.

(Ord. 03-18(2), 3-19-03)

**Sec. 20A.5 Codes of development.**

A code of development shall establish the unifying design guidelines, the specific regulations for the district, and the use characteristics of each block; provide for certainty in the location of and appearance of central features, and the permitted uses in the district; and provide a flexible range of a mix of uses and densities. Any substantive or procedural requirement of this chapter shall apply to an NMD unless the subject matter is expressly addressed in the code of development. Each code of development shall be in a form required or otherwise approved by the director of planning. To satisfy these requirements, each code of development shall establish:

- a. The uses permitted in the district by right and by special use permit, as provided in section 20A.6.
- b. The amount of developed square footage proposed, delineated for the entire NMD and by block by use and amenity. The developed square footage may be expressed as a proposed range of square footage.
- c. The maximum number of residential dwelling units, dwelling units by type, and delineating at least two (2) housing types, as provided in section 20A.8.
- d. The amount of land area and percentage of gross acreage devoted to green space and amenities, as provided in section 20A.9.

- e. All requirements and restrictions associated with each use delineated in subsection 20A.5(a).
- f. All uses expressly prohibited in the district, so that they may not be considered to be uses accessory to a permitted use.
- g. Architectural standards that will apply in the NMD, which shall address the following:
  - 1. The form, massing, and proportions of structures which may be provided through illustrations;
  - 2. Façade treatments;
  - 3. The preservation of historic structures, sites, cemeteries, and archeological sites identified by the Virginia Department of Historic Resources; and
  - 4. Architectural styles, materials, colors and textures if these elements are determined to be necessary in order for a proposed development to be compatible with its contiguous developed surroundings. The provisions in a code of development adopted prior to October 14, 2009 pertaining to subsections 20A.5(g)(1) through (4) shall be the only architectural standards in the code of development that apply to the planned development.
- h. Landscape treatments where landscaping in addition to that required by section 32 is proposed. The provisions in a code of development adopted prior to October 14, 2009 pertaining to landscape treatments as required under former subsection 20A.5(g)(7) shall apply to the planned development.
- i. For each block:
  - 1. The uses permitted on the block by right and by special use permit;
  - 2. Build-to lines or ranges, which are the required distance from the right-of-way to a structure;
  - 3. Minimum and maximum lot dimensions;
  - 4. Minimum number of stories and maximum building heights;
  - 5. Location of sidewalks and pedestrian paths;
  - 6. Acreage devoted to and characteristics of green space, amenities, and recreational areas and facilities as required by section 4.16;
  - 7. Location, acreage and characteristics of conservation areas and preservation areas as defined in section 3.1, if applicable;
  - 8. Location of parking areas;
  - 9. Location, acreage and characteristics of civic spaces, which are public areas for community or civic activities (e.g., libraries and their associated yards, schools and places of worship);

(Ord. 03-18(2), 3-19-03)

#### **Sec. 20A.6 Permitted uses.**

The following uses shall be permitted in an NMD, subject to the regulations in this section and section 8, the approved application plan and code of development, and the accepted proffers:

- a. *By right uses.* The following uses are permitted by right if the use is expressly identified as a by right use in the code of development or if the use is permitted in a determination by the zoning administrator pursuant to subsection 8.5.5.2(c)(1):

1. Each use allowed by right or by special use permit in any other zoning district, except for those uses allowed only by special use permit delineated in subsections 20A.6(b)(2) and (b)(3); provided that the use is identified in the approved code of development.
  2. 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 conformity with Chapter 16 of the Code of Albemarle and all other applicable law.
  3. Accessory uses and buildings including storage buildings.
  4. Home occupation, Class A, where the district includes residential uses.
  5. Temporary construction uses.
  6. 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, 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.
  7. Tourist lodgings, where the district includes residential uses.
  8. Homes for developmentally disabled persons, where the district includes residential uses.
  9. Tier I and Tier II personal wireless service facilities (reference 5.1.40). (Added 10-13-04)
- b. *By special use permit.* The following uses are permitted by special use permit if the use is expressly identified as use permitted by special use permit in the code of development:
1. Each use allowed by right or by special use permit in any other zoning district.
  2. Drive-through windows serving or associated with permitted uses.
  3. Outdoor storage, display and/or sales serving or associated with a by right permitted use, if any portion of the use would be visible from a travelway.

(Ord. 03-18(2), 3-19-03; Ord 04-18(2), 10-13-04)

**Sec. 20A.7 Residential density.**

Residential density within each NMD shall be as follows:

- a. The gross residential density should be within the applicable recommended gross density range established in the land use element of the comprehensive plan. In its deliberations regarding the appropriate residential density for the district, the board of supervisors shall take into account the amount of land devoted to non-residential uses.
- b. The gross residential density shall be measured in dwelling units per acre and calculated by dividing the proposed number of dwelling units in the proposed district by the gross acreage of the district.

(Ord. 03-18(2), 3-19-03)

**Sec. 20A.9 Green spaces, amenities, conservation areas and preservation areas**

Each NMD shall include the following:

- a. *Green space.* The minimum area devoted to green space is as follows:
1. For areas shown in the land use element of the comprehensive plan as neighborhood density residential, urban density residential, transitional, neighborhood service, community service, or office service, the area devoted to green space shall be at least twenty percent (20%) of the gross acreage of the area proposed to be rezoned.
  2. For areas shown in the land use element of the comprehensive plan as regional service, office regional or industrial service, the area devoted to green space shall be at least fifteen percent (15%) of the gross acreage of the area proposed to be rezoned.
  3. For areas having a land use designation not addressed in subsections 20A.9(a)(1) and 20A.9(a)(2), the recommendations of the applicable provisions of the comprehensive plan shall be guidance on the minimum area devoted to green space.
  4. The minimum area devoted to green space may be reduced by the board of supervisors at the request of the applicant. In acting on a request, the board shall consider these factors: the relationship of the site to adjoining or nearby properties containing public green space such as parks or natural areas; the known future uses of the adjoining properties; and whether a reduction would better achieve the neighborhood model goals of the comprehensive plan.
- b. *Amenities.* The minimum area devoted to amenities is as follows:
1. For areas shown in the land use element of the comprehensive plan as neighborhood density residential, urban density residential, neighborhood service, and community service, the area devoted to amenities shall be at least twenty percent (20%) of the gross acreage of the area proposed to be rezoned.
  2. For areas shown in the land use element of the comprehensive plan as regional service, office service, office regional service or industrial service, the area devoted to amenities shall be at least ten percent (10%) of the gross acreage of the area proposed to be rezoned.
  3. For areas having a land use designation not addressed in subsections 20A.9(b)(1) and 20A.9(b)(2), the recommendations of the applicable provisions of the comprehensive plan shall be guidance on the minimum area devoted to amenities.
  4. The minimum area devoted to amenities may be reduced by the board of supervisors at the request of the applicant. In acting on a request, the board shall consider these factors: the relationship of the site to adjoining or nearby properties containing amenities; the proportion of residential uses to nonresidential uses proposed; the known future uses of the adjoining properties; and whether a reduction would better achieve the neighborhood model goals of the comprehensive plan.
- c. *Additional requirements for amenities.* Amenities shall also be subject to the following:
1. At least ninety percent (90%) of the residential units in the NMD shall be within a one-quarter mile walk of an amenity.
  2. The size, location, shape, slope and condition of the land shall be suitable for the proposed amenity.
  3. The amenity shall be suitable for the specific population to be served.
  4. The design of any recreational facilities shall meet the minimum design requirements from recognized sources of engineering and recreational standards.
  5. In nonresidential areas of the development, amenities shall be located so that they are easily accessible to patrons and employees of the development.

- d. *Green space within parks and recreational amenities.* Any portion of an amenity that is covered in grass or other vegetation may be counted as both green space and an amenity.
- e. *Preservation areas within green space.* Preservation areas that preserve environmental features shall be included as green space area.
- f. *Conservation areas within green space.* Conservation areas that maintain environmental features shall be included as green space area.

(Ord. 03-18(2), 3-19-03)

**Sec. 20A.10 Streets.**

Each street within an NMD shall meet the street standards for a traditional neighborhood development established by the department of community development.

(Ord. 03-18(2), 3-19-03)

RESOLUTION APPROVING THE SECOND LEASE MODIFICATION  
AND EXTENSION AGREEMENT BETWEEN THE COUNTY OF ALBEMARLE AND RIO ASSOCIATES  
LIMITED PARTNERSHIP  
FOR THE NORTHSIDE LIBRARY

**WHEREAS**, the County of Albemarle leases from Rio Associates Limited Partnership 15,572 square feet located at 300 Albemarle Square for use as the Northside Library; and

**WHEREAS**, the original lease for the Northside Library was first dated January 31, 1991, and was extended by a First Lease Modification and Extension Agreement entered into on November 1, 2004; and

**WHEREAS**, the current lease term expires October 31, 2009; and

**WHEREAS**, the attached Second Lease Modification and Extension Agreement extends the lease of the Northside Library through October 31, 2014.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby authorizes the County Executive to sign, in a form approved by the County Attorney, the Second Lease Modification and Extension Agreement between the County of Albemarle and Rio Associates Limited Partnership to extend the Northside Library lease through October 31, 2014.