

ACTIONS
Board of Supervisors Meeting of February 2, 2011

February 8, 2011

<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 9:02 a.m. by the Chair, Ann Mallek. All BOS members were present. Also present were Tom Foley, Larry Davis, Ella Jordan and Meagan Hoy. 	
<p>5. From the Board: Matters not listed on the Agenda.</p> <p><u>Lindsay Dorrier:</u></p> <ul style="list-style-type: none"> Reported on the recent meeting of the Biscuit Run Advisory Committee. <p><u>Rodney Thomas:</u></p> <ul style="list-style-type: none"> Last evening he attended a community meeting in Stonehenge. A property owner who owns part of the land that wraps from Stonehenge down to Brookway got the neighborhood together to seek input on what he can do with the property. <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> In terms of economic development, had good meeting with Mark Crowell from UVA. Last week at RWSA, they decided to move forward with the permitting process for a 42 foot earthen dam with a 30 foot pool. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Provided Board members with a copy of an email from Barbara Hutchinson regarding a proposal by the Governor to remove funds that have supported the operation of Commonwealth airports and putting the funds into a general economic development fund. Met with a professor from JMU who is studying wind and is involved in projects funded through State government for wind energy. She would like for him to come to a Board meeting and provide an update and discuss the possibility of the County allowing test stations. Provided update on several bills currently proposed in General Assembly. <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> Mentioned an email between Board members regarding a possible Constitutional Amendment, re: Eminent Domain (HJ 647). Suggested raising the issues that should be carefully considered before any action taken on the legislation. CONSENSUS that staff draft letter. 	<p><u>Clerk:</u> Coordinate date for presentation to Board.</p> <p><u>County Attorney:</u> Prepare letter for Chair's signature to be sent to Delegates and Senators.</p>
<p>6. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <u>Charles Battig</u> provided Board members with a packet of information entitled "Defund ICLEI/Cool Counties". <u>Greg Quinn</u> expressed concerns about the concept of "sustainability". Suggested the 	

	<p>County take care of its' own business and not depend on state and federal legislators to tell them what to do.</p> <ul style="list-style-type: none"> • <u>Kirk Bowers</u> expressed opposition to the expansion of the Hollymead growth area in the Places29 Master Plan. • <u>Meredith Richards</u> invited Board members to a forum on Friday, February 4th, 10:00 a.m., at the Omni Hotel, where information on passenger rail service will be presented and discussed. • <u>John Martin</u> provided Board members with a copy of the latest U.S. Drought Monitor for Virginia. Asked Board members to not support the 30 foot pool for the dam. • <u>Morgan Butler</u>, Southern Environmental Law Center, spoke in opposition to the expansion of the Hollymead growth area in the Places29 Master Plan. • <u>Jack Marshall</u>, Advocates for a Sustainable Albemarle Population, spoke in opposition to the expansion of the Hollymead growth area in the Places29 Master Plan. • <u>Jeff Werner</u>, Piedmont Environmental Council, spoke in opposition to the expansion of the Hollymead growth area in the Places29 Master Plan. • <u>Mary Barrick</u> expressed support to improvements to the proposed animal welfare codes including shelter amendments, increasing restrictions on tethering and breeding, and the formation of an advisory committee to discuss these topics. • <u>Neil Williamson</u>, Free Enterprise Forum, suggested that it would be interesting to see, through GIS mapping, how large or small the County's development areas are based on new regulations with regard to stream buffers, critical slopes and other restrictions for development in the development areas. • <u>Audrey Wellborn</u> said she has concerns about Agenda21/ICLEI. She is also concerned about the impact of a number of bills that are currently before the current General Assembly, and especially the impact on private property rights. • CONSENSUS that the Board be updated on the pros and cons, and the meaning of the County's involvement, of ICLEI during its budget work sessions.
<p>7.1 Cancel February 9, 2011, Regular Night Meeting.</p> <ul style="list-style-type: none"> • Meeting cancelled. 	<p><u>Clerk</u>: Notify appropriate individuals.</p>
<p>7.2 Resolution to Accept Innovation Drive in UVA Research Park at North Fork into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> • ADOPTED Resolution. 	<p><u>Clerk</u>: Forward copy of signed resolution to Glenn Brooks, County Engineer (Attachment 1)</p>

7.3	<p>FY 2011 Budget Amendment and Appropriations.</p> <ul style="list-style-type: none"> • APPROVED the budget amendment in the amount of \$953,807.29 and APPROVED Appropriations #2011049, #2011060, #2011061, #2011063 and #2011064. 	<p><u>Clerk:</u> Forward copy of signed appropriation forms to Finance, OMB and appropriate individuals.</p>
7.4	<p>Resolution supporting the temporary closure of Jarmans Gap Road (Route 691) during construction of improvements.</p> <ul style="list-style-type: none"> • ADOPTED Resolution supporting the closure of Jarmans Gap Road (Route 691) for approximately sixty (60) days for box culvert installation during the months of June 2011 through August 2011 so as only to close the road for school bus access on Jarmans Gap Road during the summer session of the Albemarle County School year. 	<p><u>Clerk:</u> Forward copy of signed resolution to David Benish and County Attorney's office. (Attachment 2)</p>
7.5	<p>Resolution to Designate Byrom Park Entrance as Open-Space Land and a Public Park.</p> <ul style="list-style-type: none"> • ADOPTED Resolution to designate the Byrom Park Entrance (Tract Z) as open space land pursuant to the Open Space Land Act and to designate this parcel as a public park. 	<p><u>Clerk:</u> Forward copy of signed resolution to Bob Crickenberger, Ches Goodall, Scott Clark and County Attorney's office. (Attachment 3)</p>
7.6.	<p>Memorandum of Understanding Between Foothills Child Advocacy Center, Inc., Charlottesville/ Albemarle Commission on Children and Families and the County of Albemarle, Virginia.</p> <ul style="list-style-type: none"> • AUTHORIZED the County Executive to sign a Memorandum of Understanding with the Foothills Child Advocacy Center Board of Directors and the Charlottesville/Albemarle Commission on Children and Families that establishes the roles and responsibilities of the parties regarding the funding and employment of the Foothills Program Coordinator. 	<p><u>County Attorney's office:</u> Provide Clerk with copy of agreement.</p>
7.7	<p>ACE; Virginia Department of Agriculture and Consumer Services grant for easement acquisition.</p> <ul style="list-style-type: none"> • AUTHORIZED the County Executive to execute the Agreement on behalf of the County, provided that it is first approved as to form and content by the County Attorney 	<p><u>County Attorney's office:</u> Provide Clerk with copy of agreement.</p>
7.8	<p>Report on the Jefferson Madison Regional Library System (JMRL).</p> <ul style="list-style-type: none"> • Work session SCHEDULED with Director and Albemarle representatives on JMRL Board on February 9, 2011, 9:00 a.m. 	
8.	<p>Public Hearing: To consider an ordinance to amend section 4-100, Definitions, of Chapter 4, Animals and Fowl, of the County Code.</p> <ul style="list-style-type: none"> • ADOPTED, by a vote of 6:0, the attached Ordinance. 	<p><u>Clerk:</u> Forward copy of adopted ordinance to Police Department and County Attorney's office. (Attachment 4)</p>
9.	<p>Public Hearing: To consider an ordinance to amend County Code Chapter 12, Regulated Enterprises, Article III, Dealers in Precious Metals.</p> <ul style="list-style-type: none"> • ADOPTED, by a vote of 6:0, the attached Ordinance. 	<p><u>Clerk:</u> Forward copy of adopted ordinance to Police Department and County Attorney's office. (Attachment 5)</p>
	<p>NonAgenda. Recessed at 11:08 a.m. and reconvened at 11:20 a.m.</p>	

10.	Rural Health Initiative Program, Gary Pond, Lead Health Educator. <ul style="list-style-type: none"> Board members suggested that the County's website provide a link to the information. 	<u>Lee Catlin</u> : Proceed as suggested.
11.	FY 2008-2009 Comprehensive Annual Financial Report (CAFR). <ul style="list-style-type: none"> APPROVED, by a vote of 6:0, the FY 2008-2009 Comprehensive Financial Report. 	
12.	ARB-2010-126 . Entrance Corridor Design Guidelines Update. <ul style="list-style-type: none"> RATIFIED, the revised Guidelines and ENDORSED the phased approach to the Guideline revisions as outlined in the Executive Summary 	<u>Margaret Maliszewski</u> : Proceed as approved. (Attachment 6)
13.	CPA-2005-010 . Places29 Master Plan. <ul style="list-style-type: none"> APPROVED, by vote of 4:2(Snow/Dorrier), to not expand the Hollymead development area. APPROVED, by vote of 6:0, Places29: A Master Plan for the Northern Development Areas, dated February 2, 2011. 	
14.	Closed Meeting. <ul style="list-style-type: none"> At 12:26 p.m., the Board went into closed meeting to consider appointments to boards, committees, and commissions, and an administrative position, and to discuss with legal counsel and staff specific matters requiring legal advice relating to the Community Water Supply Plan. 	
15.	Certify Closed Meeting. <ul style="list-style-type: none"> At 1:51 p.m., the Board reconvened into open meeting and certified the closed meeting. 	
16.	Boards and Commissions: Appointments. <ul style="list-style-type: none"> APPOINTED Amy Preddy to the Pantops Community Advisory Council. REAPPOINTED Marilyn Minrath to the Public Defender Office Citizens Advisory Committee with said term to expire December 31, 2013. REAPPOINTED Jay Fennell to Public Recreational Facilities Authority with said term to expire December 13, 2013. REAPPOINTED Steve Murray to TJ Water Resource Foundation Board with said term to expire December 31, 2015. 	<u>Clerk</u> : Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.
	Non-Agenda. <ul style="list-style-type: none"> APPOINTED, by a vote of 6:0, Ed Koonce as Acting Director of Finance, effective February 1, 2011. 	
17.	Economic Vitality Action Plan, Quarterly Update. <ul style="list-style-type: none"> DIRECTED staff to bring back a discussion on the Target Industry Study in March. 	<u>Clerk</u> : Schedule on March agenda.
18.	Bright Stars Annual Report, Charity Haines. <ul style="list-style-type: none"> RECEIVED. 	
19.	Community Development Work Program. <ul style="list-style-type: none"> DIRECTED staff to bring back information on expediting Rural Area Churches, interstate interchanges and other issues as discussed. 	<u>Mark Graham</u> : Schedule on agenda when ready.

<p>20. From the board: Matters Not Listed on the Agenda. <u>Rodney Thomas:</u></p> <ul style="list-style-type: none"> • Will be meeting with Cracker Barrel executives this evening for possible location in County. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • CONSENSUS of the Board to support letter regarding use of Airport funds (mentioned at beginning of meeting). • The One Stop Center has grants and new staff on the way to aid with training. <p><u>Wayne Cilimberg:</u></p> <ul style="list-style-type: none"> • Regarding the Farm Wineries noise (from outdoor amplified music) issue, the Board agreed to contact their respective Planning Commissions to give direction. 	
<p>21. Adjourn.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 4:37 p.m., to Wednesday February 9, 2011, Room 241, at 9:00 a.m. for a joint meeting with the Albemarle County Library Board Representatives. 	

ewj/mrh

- Attachment 1 – Resolution to Accept Innovation Drive in UVA Research Park at North Fork into the State Secondary System of Highways
- Attachment 2 - Resolution supporting the temporary closure of Jarmans Gap Road (Route 691) during construction of improvements
- Attachment 3 – Resolution to Designate Byrom Park Entrance as Open-Space Land and a Public Park
- Attachment 4 – Ordinance to amend section 4-100, Definitions, of Chapter 4, Animals and Fowl, of the County Code
- Attachment 5 – Ordinance to amend County Code Chapter 12, Regulated Enterprises, Article III, Dealers in Precious Metals
- Attachment 6 -- ARB-2010-126. Entrance Corridor Design Guidelines Update

ATTACHMENT 1

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 2nd day of February 2011, adopted the following resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **University Research Park at North Fork**, as described on the attached Additions Form AM-4.3 dated **February 2, 2011**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **University Research Park at North Fork**, as described on the attached Additions Form AM-4.3 dated **February 2, 2011**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

* * * * *

The road(s) described on Additions Form AM-4.3 is:

- 1) **Innovation Drive (Route 1654)** from Route 649 (Airport Road) to 0.45 miles north to end of state maintenance, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3415, pages 455-462, with a 100-foot right-of-way width, for a length of 0.45 miles.

Total Mileage – 0.45

ATTACHMENT 2

**A RESOLUTION SUPPORTING
THE VIRGINIA DEPARTMENT OF TRANSPORTATION'S INTENT
TO TEMPORARILY CLOSE JARMANS GAP ROAD (ROUTE 691)
DURING CONSTRUCTION PERIOD**

WHEREAS, the Albemarle County Board of Supervisors concurs with the Virginia Department of Transportation's (VDOT) intent to reconstruct Jarmans Gap Road (Route 691) in Crozet, Virginia as presented at the public hearing on March 30, 2006 at Western Albemarle High School; and

WHEREAS, Albemarle County agrees to the closure of Jarmans Gap Road (Route 691) for approximately sixty (60) days for box culvert installation during the months of June, 2011 through August, 2011 consistent with VDOT's plan to close the road for school bus access on Jarmans Gap Road only during the summer session of the Albemarle County School year.

NOW, THEREFORE, BE IT RESOLVED THAT, for purposes of public necessity, convenience and general welfare, the Albemarle County Board of Supervisors hereby supports VDOT's intent to reconstruct Jarmans Gap Road (Route 691), including the closure of Jarman's Gap Road for approximately sixty (60) days for box culvert installation during the months of June, 2011 through August, 2011, which will close the road for school bus access on Jarmans Gap Road during the summer session of the Albemarle County School year but will provide at least one open lane on Jarmans Gap Road for school buses during the spring, 2011 and fall, 2011 sessions of the Albemarle County School year.

**RESOLUTION TO DESIGNATE BYROM PARK ENTRANCE
PROPERTY AS OPEN-SPACE LAND AND AS A PUBLIC PARK**

WHEREAS, the Open Space Land Act (*Virginia Code* § 10.1-1700 *et seq.*) provides for the preservation of land for park and recreational purposes; and

WHEREAS, by Deed of Easement dated July 24, 2003 and recorded in Albemarle County Deed Book 2531, pages 341-351, the County and the Albemarle County Public Recreational Facilities Authority (the "PRFA") acquired a conservation easement over approximately 600 acres, then designated as Tax Map Parcels 6-16, 6-28D, and 6-29 (the "Byrom Park"); and

WHEREAS, by Deed of Gift dated November 1, 2004 and recorded in Albemarle County Deed Book 2897, pages 283-289, the County acquired fee simple title over the same approximately 600 acres, designated as Tax Map Parcels 6-16, 6-28D, and 6-29, subject to the existing conservation easement; and

WHEREAS, by Deed of Bargain and Sale dated November 21, 2008 and recorded in Albemarle County Deed Book 3671, pages 155-160, the County acquired fee simple title over an additional 15.393 acres (the "Byrom Park Entrance"), previously from Tax Map Parcel 6-28B, necessary to provide public access to the remainder of Byrom Park; and

WHEREAS, because the Byrom Park Entrance property came from a separate parcel, it had not been subject to the same conservation easement as the remainder of Byrom Park; and

WHEREAS, the Byrom Park Entrance property is a unique and valuable park and recreational resource within the County; and

WHEREAS, the Board of Supervisors desires to designate the Byrom Park Entrance property as open-space land and to preserve and protect this valuable resource by making it subject to a substantially equivalent conservation easement as the remainder of Byrom Park; and

WHEREAS, the Board of Supervisors further desires to establish a public park on the Byrom Park Entrance property; and

WHEREAS, Chapter 11, Parks and Recreation Facilities, of the Albemarle County Code establishes and authorizes the enforcement of rules and regulations necessary to properly manage public park property; and

WHEREAS, in order to manage properties under Chapter 11 of the County Code, the Byrom Park Entrance property must be used or designated to be used by the public for recreational purposes.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors pursuant to the Open-Space Land Act (*Virginia Code* § 10.1-1700 *et seq.*) hereby designates the Byrom Park Entrance property as open-space land. The Byrom Park Entrance property, referred to herein, shall include the following more particularly described property:

All that certain tract or parcel of land situated in the White Hall District of Albemarle County, Virginia, containing 15.393 acres, more or less, being more particularly described as Tract "Z" on a plat by Thomas B. Lincoln Land Surveyor, Inc., dated June 23, 2008 (the "Plat") and recorded with that certain Deed from James Kevin Byrom and Xiao Yin Byrom, husband and wife, to the County of Albemarle, Virginia, dated November 21, 2008, in the Clerk's Office of the Circuit Court of Albemarle County in Deed Book 3671, Page 155.

BE IT FURTHER RESOLVED that said Byrom Park Entrance property shall be subject to all the applicable terms and conditions contained in that certain Deed of Easement dated July 24, 2003 and recorded in Albemarle County Deed Book 2531, pages 341-351, except as follows:

- In lieu of Section 2(B)(2) of said Deed of Easement, unless a structure or improvement is on the Byrom Park Entrance Property as of the date of this Resolution, no other permanent or temporary building or structure shall be built or maintained on said property other than buildings and/or structures customarily incidental to public park use.
- In lieu of Section 2(B)(4) of said Deed of Easement, the following may be constructed, installed, located or placed on the Byrom Park Entrance property, provided they are otherwise consistent with said Easement: (a) driveways and other improvements and facilities customary and related to the use of a public park; and (b) improvements and facilities related to a public park, including, but not limited to, public roads, and drainage and other utility facilities required by the County.
- In lieu of Section 2(D) of said Deed of Easement, the provisions of the Albemarle County Zoning Ordinance (Chapter 18 of the *Albemarle County Code*) shall govern the size and placement of signs on the Byrom Park Entrance property.
- In lieu of Section 2(E) of said Deed of Easement, grading, blasting and/or earth removal shall be allowed on the Byrom Park Entrance property for public park structures and associated improvements, and during the construction of such permitted structures or associated improvements, provided that such activities employ applicable Best Management Practices.
- Any restriction contained in said Deed of Easement or herein on the Byrom Park Entrance property shall be subject to all easements currently of record including, but not limited to, that certain Shared Driveway Easement and Family Use Trail Easement shown in the Plat of record.

BE IT FURTHER RESOLVED that the Albemarle County Board of Supervisors hereby designates said Byrom Park Entrance property as park property to be used by the public for recreational purposes.

ORDINANCE NO. 11-4(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, ANIMALS AND FOWL, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA BY AMENDING ARTICLE I, IN GENERAL, SECTION 4-100, DEFINITIONS.

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 4, Animals and Fowl, is hereby amended and reordained by amending Article I, In General, Section 4-100, Definitions, as follows:

**CHAPTER 4. ANIMALS AND FOWL
ARTICLE I. IN GENERAL**

Sec. 4-100 Definitions.

The following words as used in this chapter shall have the following meanings:

(1) *Abandon*. The term "abandon" means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in Virginia Code § 3.2-6503 for a period of five (5) consecutive days.

(2) *Adequate care or care*. The term "adequate care" or "care" means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

(3) *Adequate exercise*. The term "adequate exercise" or "exercise" means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

(4) *Adequate feed*. The term "adequate feed" means access to and the provision of food which is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

(5) *Adequate shelter*. The term "adequate shelter" means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass through the openings, (ii) sag under the animals' weight, or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter. In addition, the following are also deemed to be inadequate shelters: (i) metal or plastic barrels, (ii) airline crates or carrying crates, (iii) dog houses with no floors.

(6) *Adequate space*. The term "adequate space" means sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the

strangulation or injury of the animal; and is at least five times the length of the animal, as measured from the tip of its nose to the base of its tail, and terminates at both ends with a swivel, and weighs no more than 1/8 of the animal's weight, and if multiple animals, each animal shall be on its own tether, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space. When an animal is on a pulley or running line, "adequate space" means a pulley or running line that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar and is at least fifteen feet in length and less than seven feet above the ground and configured so as to protect the animal from injury, and prevent the line from becoming entangled with other objects or animals or resulting in strangulation or injury of the animal, and if multiple animals, each animal shall be on its own tether.

(7) *Adequate water.* The term "adequate water" means provision of and access to clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and at suitable intervals, but at least once every twelve (12) hours, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles which are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

(8) *Adoption.* The term "adoption" means the transfer of ownership of a dog or cat, or any other companion animal, from a releasing agency to an individual.

(9) *Agricultural animals.* The term "agricultural animals" means all livestock and poultry.

(10) *Ambient temperature.* The term "ambient temperature" means the temperature surrounding the animal.

(11) *Animal.* The term "animal" means any nonhuman vertebrate species except fish. For the purposes of Article IV, Rabies Control, animal shall mean any species susceptible to rabies. For the purposes of section 4-109, animal shall mean any nonhuman vertebrate species including fish captured and killed or disposed of in a reasonable customary manner.

(12) *Animal control officer.* The term "animal control officer" means any person employed, contracted, or appointed by the Commonwealth or any political subdivision for the purpose of aiding in the enforcement of any other law or ordinance relating to the licensing of dogs, control of dogs and cats, cruelty to animals, or seizure and impoundment of companion animals and includes any state or county police officer, animal control officer, sheriff or other employee whose duties in whole or in part include assignments which involve seizure or taking into custody of any dog or other animal.

(13) *Animal shelter.* The term "animal shelter" means a facility, other than a private residential dwelling and its surrounding grounds, which is used to house or contain animals and which is owned, operated, or maintained by a non-governmental entity, duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

(14) *Boarding establishment.* The term "boarding establishment" means a place or establishment other than a pound or animal shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee.

(15) *Clearly visible sign.* The term "clearly visible sign" means a sign that is (i) unobstructed from view, (ii) contains legible writing, and (iii) may be read by any person without assistance while standing ten feet away from the sign.

(16) *Collar.* The term "collar" means a well-fitted device, appropriate to the age and size of the animal, attached to the animal's neck in such a way as to prevent trauma or injury to the animal.

(17) *Commercial dog breeder.* The term "commercial dog breeder" means any person who,

during any twelve (12) month period, maintains thirty (30) or more adult female dogs for the primary purpose of the sale of their offspring as companion animals.

(18) *Companion animal*. The term "companion animal" means any domestic or feral dog, domestic or feral cat, non-human primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal which is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.

(19) *Emergency veterinary treatment*. The term "emergency veterinary treatment" means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

(20) *Enclosure*. The term "enclosure" means a structure used to house or restrict animals from running at large.

(21) *Euthanasia*. The term "euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during such loss of consciousness.

(22) *Foster care provider*. The term "foster care provider" means an individual who provides care or rehabilitation for companion animals through an affiliation with a pound, animal shelter, or other releasing agency.

(23) *Hearing dog*. The term "hearing dog" means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond.

(24) *Injury to a person*. The term "injury to a person" means any superficial cut, scratch, scrape, or minor tear to the skin, or any bruise to bone or skin area resulting from an unfriendly encounter. An injury shall be presumed to have occurred when a dog knocks a person to the ground or tears that person's clothing or any possession on his or her person.

(25) *Kennel*. The term "kennel" means any establishment in which five (5) or more canines, felines, or hybrids of either are kept for the purposes of breeding, hunting, training, renting, buying, boarding, selling, or showing.

(26) *Leash*. The term "leash" means any rope, strap, chain, or other material not exceeding four (4) feet in length, being held in the hand of a person capable of controlling the dog to which it is attached.

(27) *Livestock*. The term "livestock" includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; capradae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in Virginia Code § 3.2-2600; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

(28) *Owner*. The term "owner" means any person who: (i) has a right of property in an animal, (ii) keeps or harbors an animal, (iii) has an animal in his care, or (iv) acts as a custodian of an animal.

(29) *Person*. The term "person" means any individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity.

(30) *Poultry*. The term "poultry" includes all domestic fowl and game birds raised in captivity.

(31) *Pound*. The term "pound" means a facility operated by the Commonwealth, or county for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals; or a facility operated for the same purpose under a contract with any county, city, town, or incorporated society for the prevention of cruelty to animals.

(32) *Primary enclosure.* The term "primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

(33) *Properly cleaned.* The term "properly cleaned" means that carcass, debris, food waste and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

(34) *Releasing agency.* The term "releasing agency" means a pound, animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue that releases companion animals for adoption.

(35) *Serious injury to a person.* The term "serious injury to a person" means any bodily injury for which medical attention was sought and obtained, which involves a serious laceration requiring stitches to more than one puncture wound or which is serious in the opinion of a licensed physician.

(36) *Service dog.* The term "service dog" means a dog trained to accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair or other such activities of service or support.

(37) *Sterilize or sterilization.* The term "sterilize" or "sterilization" means a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

(38) *Treatment or adequate treatment.* The term "treatment" or "adequate treatment" means the responsible handling or transportation of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal. When any such animal is being transported in an open-bed truck or similar vehicle, such carrier shall be secured to the vehicle so as to be immovable, and shall permit normal postural movements of the animal. The following shall not be deemed "adequate treatment": (i) tethering of a dog six months old or younger; (ii) the tying up or tethering of a female dog in heat; (iii) transporting an animal in the back of an open-bed truck or similar vehicle in an unsecured carrier and/or tethered to a collar.

(39) *Veterinary treatment.* The term "veterinary treatment" means treatment by or on the order of a duly licensed veterinarian.

(Code 1967, § 4-4; 4-13-88; Code 1988, § 4-4; Ord. 98-A(1), 8-5-98; Ord. 09-4(1), 7-8-09; Ord. 11-4(1), 2-2-11)

State law reference—Va. Code §§ 3.2-6500, 6528.

ORDINANCE NO. 11-12(1)

AN ORDINANCE TO AMEND CHAPTER 12, REGULATED ENTERPRISES, ARTICLE III, DEALERS IN PRECIOUS METALS, 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 12, Regulated Enterprises, Article III, Dealers in Precious Metals, is hereby amended and reordained as follows:

By Amending:

Sec. 12-300 Definitions.

Sec. 12-302 Permit--Procedure for obtaining; term; renewal.

Sec. 12-307 Penalties.

Sec. 12-311 Dealer to retain purchases.

CHAPTER 12. REGULATED ENTERPRISES

ARTICLE III. DEALERS IN PRECIOUS METALS

State law reference—Regarding dealers in precious metals generally, see Va. Code §§ 54.1-4100 et seq.; authority of county to enact ordinance regulating dealers in precious metals and gems, see Va. Code § 54.1-4111.

Sec. 12-300 Definitions.

For the purposes of this article, the following words shall have the meanings ascribed to them by this section, unless the context requires a different meaning:

(1) *Coin*. The term "coin" shall mean any piece of gold, silver or other metal fashioned into a prescribed shape, weight and degree of fineness, stamped by authority of a government with certain marks and devices, and having a certain fixed value as money.

(2) *Dealer*. The term "dealer" shall mean any person engaged at any location in the county in the business of (a) purchasing precious metals or gems, (b) making loans for which precious metals or gems are received and held as security, (c) removing in any manner precious metals or gems from manufactured articles not then owned by such person or (d) buying, acquiring or selling precious metals or gems removed from such manufactured articles. As used herein, "dealer" includes employers and principals on whose behalf a purchase or loan is made and all employees and agents who make such purchases and loans for or on behalf of their employers or principals.

This definition shall not be construed so as to include persons engaged in the following:

(a) Purchases of precious metals or gems directly from other dealers, manufacturers or wholesalers for retail or wholesale inventories, provided the selling dealer has complied with the provisions of this chapter, if applicable.

(b) Purchases of precious metals or gems directly from a qualified fiduciary who is disposing of the assets of an estate being administered by such fiduciary.

(c) Acceptance by a retail merchant of trade-in merchandise previously sold by such retail merchant to the person presenting that merchandise for trade in.

(d) Repairing, restoring or designing of jewelry by a retail merchant, if such activities are within the normal course of such merchant's business.

(e) Purchases of precious metals or gems by industrial refiners and manufacturers insofar as such purchases are made directly from retail merchants, wholesalers or dealers or by mail originating outside the county.

(f) Regular purchasing and processing of nonprecious scrap metals which incidentally may contain traces of precious metals recoverable as a by product.

(3) *Fixed and permanent location.* The term "fixed and permanent location" shall mean a location in the county at which the dealer conducts a regular and continuous course of dealing for thirty consecutive days or more, with Saturdays, Sundays and recognized holidays excepted. A fixed and permanent location may include a location leased or otherwise obtained from another person on a temporary or seasonal basis.

(4) *Gems.* The term "gems" shall mean any item containing or having any precious or semiprecious stones customarily used in jewelry or ornamentation.

(5) *Precious metals.* The term "precious metals" shall mean any item, except coins, containing as part of its composition in any degree gold, silver, platinum or platinum alloys.

(11-12-80, § 1; 7-8-81; Code 1988, § 5.1-1; Ord. 98-A(1), 8-5-98; Ord. 11-12(1), 2-2-11)

State law reference--Similar provisions, Va. Code §§ 54.1-4100.

Sec. 12-302 Permit--Procedure for obtaining; term; renewal.

A. *Application; issuance; fee.* To obtain a permit, the dealer shall file with the chief of police an application form which shall include the full name, any aliases, address, age, date of birth, sex and fingerprints of both the dealer and any agents of the dealer doing business in the county; the name, address and telephone number of the applicant's employer, if any, the location and hours of operation of the dealer's place of business, and the location in the county of all items to be retained pursuant to section 12-311 herein. In addition, the dealer shall furnish a zoning clearance verifying that the dealer's business is permitted under the applicable county zoning regulations. Upon filing this application and the payment of a two hundred dollar (\$200) application fee, the dealer shall be issued a permit by the chief of police; provided, that the applicant had not been convicted of a felony or crime of moral turpitude within seven years prior to the date of application, and that the dealer meets all other applicable requirements. The permit shall be denied if the applicant has been denied a permit or, within the preceding twelve months, has had a permit revoked under any ordinance or law similar in substance to the provisions of this chapter.

B. *Inspection of weighing devices.* Before a permit may be issued, the dealer must have all weighing devices to be used in the business inspected and approved by local or state weights and measures officials and must present written evidence of such approval to the chief of police.

C. *Duration; renewal.* A permit shall be valid for one year from the date of issuance and may be renewed for one-year periods in the same manner as the initial permit is obtained, with an annual permit fee of two hundred dollars (\$200).

D. *Notification of business closings; location of business.* If the business of the dealer is not open for business to conduct purchases without interruption, with Saturdays, Sundays and recognized holidays excepted, the dealer shall notify the chief of police of all closings and reopenings of such business. The business of a dealer shall be conducted only from a fixed and permanent location specified in such dealer's application for a permit, and only if such business is permitted at that location under the applicable county zoning regulations.

(11-12-80, § 1; 7-8-81; 11-14-84; 4-13-88; Code 1988, § 5.1-3; Ord. 98-A(1), 8-5-98; Ord. 11-12(1), 2-2-11)

State law reference--Similar provisions, Va. Code § 54.1-4108.

Sec. 12-307 Penalties.

A. Any person convicted of violating any of the provisions of this article shall be guilty of a class 2 misdemeanor for the first offense. Upon conviction of any subsequent offense, such person shall be guilty of a class 1 misdemeanor.

B. Upon the first conviction by any court of a dealer for violation of any provision of this article, the chief of police may revoke his permit to engage in business as a dealer under this chapter for a period of one full year from the date the conviction becomes final. Such revocation shall be mandatory for two full years from the date the conviction becomes final upon a second conviction.

(11-12-80, § 1; 7-8-81; 11-14-84; 4-13-88; Code 1988, § 5.1-13; Ord. 98-A(1), 8-5-98; Ord. 11-12(1), 2-2-11)

State law reference--Similar provisions, Va. Code § 54.1-4110; as to punishment for class 1 and 2 misdemeanors, see Va. Code § 18.2-11.

Sec. 12-311 Dealer to retain purchases.

A. The dealer shall retain all precious metals or gems in the condition in which purchased for a minimum of ten calendar days from the time of filing the bill of sale for their purchase with the chief of police. During such period of time, the dealer shall not sell, alter or dispose of a purchased item in whole or in part, or remove it from the county.

B. If a dealer performs the service of removing precious metals and gems, such dealer shall retain the precious metals or gems removed and the article from which such removal was made for a period of ten calendar days after receiving such article and precious metals or gems.

C. All items required to be retained hereunder shall be retained in the county at the location specified in the dealer's permit application. An agent of the dealer shall be readily accessible throughout the applicable retention period to make the retained items available for inspection by the chief of police or any law enforcement official of the state or federal government.

(11-12-80, § 1; 7-8-81; 11-14-84; Code 1988, § 5.1-9; Ord. 98-A(1), 8-5-98; Ord. 11-12(1), 2-2-11)

State law reference--Similar provisions, Va. Code § 54.1-4104.

**ALBEMARLE COUNTY
ARCHITECTURAL REVIEW BOARD
DESIGN GUIDELINES**

ADOPTED FEBRUARY 2, 2011

**BACKGROUND AND PURPOSE OF
ARCHITECTURAL REVIEW**

Background

Section 15.2-2306 of the *Code of Virginia* authorizes localities to regulate the design of development along streets, roads, and highways providing significant routes of tourist access to the County and to designated historic landmarks, structures or districts and to contiguous cities and towns to insure that such development is compatible with the architecture of the historically significant landmarks, buildings, and structures to which these routes lead. These “entrance corridors” have been designated by the locality. The review of development proposals within such corridors is to be undertaken by the locally designated Architectural Review Board.

On October 3, 1990, the Albemarle County Board of Supervisors adopted Section 30.6 of the *Albemarle County Zoning Ordinance*. The section is titled “Entrance Corridor Overlay District” and implements the authority described above. It specifically designates a number of “entrance corridors,” establishes standards for the review of development proposed within the corridors and creates a five member Architectural Review Board (ARB). The Board of Supervisors also appointed members to the ARB and charged them with the responsibility for proposing and administering a set of Guidelines for development within the designated corridors.

Procedures and Requirements

State law and County ordinance both require that the ARB approve ***only those proposals which reflect designs which are compatible with the historically significant architecture of the County of Albemarle and City of Charlottesville.*** It is not intended that proposed designs mirror existing historic structures in the area. Replication of historic structures is neither required nor desired. However, developers proposing “trademark” designs can expect that significant modification will be required by the ARB before approval will be granted.

The guidelines which follow are intended to provide assistance to the applicant in designing projects which will satisfy these design guidelines. In addition, Appendix A contains a list of the pictures of historically significant structures in the area that are illustrated in this booklet; drawings which highlight some of the important features of these structures; and photographs of modern buildings, both in the area and elsewhere, which are considered compatible with these historic structures

See the ARB page on the Albemarle County website at www.albemarle.org/ARB for additional details regarding:

- Application requirements and the types of ARB applications
- Steps in the ARB review process
- The types of projects that require ARB review
- Areas of the County that are included in the Entrance Corridor Overlay District
- A map of the County’s Entrance Corridors
- Links to relevant forms and related information (including a link to Section 30.6 of the Zoning Ordinance: Entrance corridor overlay district – EC).

DESIGN GUIDELINES – GENERAL

Purpose

1. The goal of the regulation of the design of development within the designated Entrance Corridors is to insure that new development within the corridors reflects the traditional architecture of the area. Therefore, it is the purpose of ARB review and of these Guidelines, that proposed development within the designated Entrance Corridors reflect elements of design characteristic of the significant historical landmarks, buildings, and structures of the Charlottesville and Albemarle area, and to promote orderly and attractive development within these corridors. Applicants should note that replication of historic structures is neither required nor desired.
2. Visitors to the significant historical sites in the Charlottesville and Albemarle area experience these sites as ensembles of buildings, land, and vegetation. In order to accomplish the integration of buildings, land, and vegetation characteristic of these sites, the Guidelines require attention to four primary factors: compatibility with significant historic sites in the area; the character of the Entrance Corridor; site development and layout; and landscaping.

Compatibility with significant historic sites:

3. New structures and substantial additions to existing structures should respect the traditions of the architecture of historically significant buildings in the Charlottesville and Albemarle area. Photographs of historic buildings in the area, as well as drawings of architectural features, which provide important examples of this tradition are contained in Appendix A.
4. The examples contained in Appendix A should be used as a guide for building design: the standard of compatibility with the area's historic structures is not intended to impose a rigid design solution for new development. Replication of the design of the important historic sites in the area is neither intended nor desired. The Guideline's standard of compatibility can be met through building scale, materials, and forms which may be embodied in architecture which is contemporary as well as traditional. The Guidelines allow individuality in design to accommodate varying tastes as well as special functional requirements.

Compatibility with the character of the Entrance Corridor:

5. It is also an important objective of the Guidelines to establish a pattern of compatible architectural characteristics throughout the Entrance Corridor in order to achieve unity and coherence. Building designs should demonstrate sensitivity to other nearby structures within the Entrance Corridor. Where a designated corridor is substantially developed, these Guidelines require striking a careful balance between harmonizing new development with the existing character of the corridor and achieving compatibility with the significant historic sites in the area.

Site development and layout:

6. Site development should be sensitive to the existing natural landscape and should contribute to the creation of an organized development plan. This may be accomplished, to the extent practical, by preserving the trees and rolling terrain typical of the area; planting new trees along streets and pedestrian ways and choosing species that reflect native forest elements; insuring that any grading will blend into the surrounding topography thereby creating a continuous landscape; preserving, to the extent practical, existing significant river and stream valleys which may be located on the site and integrating these features into the design of surrounding development; and limiting the building mass and height to a scale that does not overpower the natural settings of the site, or the Entrance Corridor.

Landscaping:

7. The requirements of the Guidelines regarding landscaping are intended to reflect the landscaping characteristic of many of the area's significant historic sites which is characterized by large shade trees and lawns. Landscaping should promote visual order within the Entrance Corridor and help to integrate buildings into the existing environment of the corridor.
8. Continuity within the Entrance Corridor should be obtained by planting different types of plant materials that share similar characteristics. Such common elements allow for more flexibility in the design of structures because common landscape features will help to harmonize the appearance of development as seen from the street upon which the Corridor is centered.

DESIGN GUIDELINES – SPECIFICS

This section provides specific recommendations intended to achieve the goals described in the general design statement.

Compatibility with significant historic sites:

Structure design

9. Building forms and features, including roofs, windows, doors, materials, colors and textures should be compatible with the forms and features of the significant historic buildings in the area, exemplified by (but not limited to) the buildings described in Appendix A. The standard of compatibility can be met through scale, materials, and forms which may be embodied in architecture which is contemporary as well as traditional. The replication of important historic sites in Albemarle County is not the objective of these guidelines.
10. Buildings should relate to their site and the surrounding context of buildings.
11. The overall design of buildings should have human scale. Scale should be integral to the building and site design.
12. Architecture proposed within the Entrance Corridor should use forms, shapes, scale, and materials to create a cohesive whole.
13. Any appearance of "blankness" resulting from building design should be relieved using design details or vegetation, or both.
14. Arcades, colonnades, or other architectural connecting devices should be used to unify groups of buildings within a development.
15. Trademark buildings and related features should be modified to meet the requirements of the Guidelines.
16. Window glass in the Entrance Corridors should not be highly tinted or highly reflective. Reflectance off the outside pane of glass should be kept below 7%. Specifications on the proposed window glass and samples of tinted window glass should be submitted with the application for final review.

Accessory structures and equipment

17. Accessory structures and equipment should be integrated into the overall plan of development and shall, to the extent possible, be compatible with the building designs used on the site.
18. The following should be located to eliminate visibility from the Entrance Corridor street. If, after appropriate siting, these features will still have a negative visual impact on the Entrance Corridor street, screening should be provided to eliminate visibility:

- a) Loading areas,
 - b) Service areas,
 - c) Refuse areas,
 - d) Storage areas,
 - e) Mechanical equipment,
 - f) Above-ground utilities, and
 - g) Chain link fence, barbed wire, razor wire, and similar security fencing devices.
19. Screening devices should be compatible with the design of the buildings and surrounding natural vegetation and may consist of:
- a) Walls,
 - b) Plantings, and
 - c) Fencing.
20. Surface runoff structures and detention ponds should be designed to fit into the natural topography to avoid the need for screening. When visible from the Entrance Corridor street, these features must be fully integrated into the landscape. They should not have the appearance of engineered features.
21. The following note should be added to the site plan and the architectural plan: "Visibility of all mechanical equipment from the Entrance Corridor shall be eliminated."

Lighting

General Guidelines

22. Light should be contained on the site and not spill over onto adjacent properties or streets;
23. Light should be shielded, recessed or flush-mounted to eliminate glare. All fixtures with lamps emitting 3000 lumens or more must be full cutoff fixtures.
24. Light levels exceeding 30 footcandles are not appropriate for display lots in the Entrance Corridors. Lower light levels will apply to most other uses in the Entrance Corridors.
25. Light should have the appearance of white light with a warm soft glow; however, a consistent appearance throughout a site or development is required. Consequently, if existing lamps that emit non-white light are to remain, new lamps may be required to match them.
26. Dark brown, dark bronze, or black are appropriate colors for free-standing pole mounted light fixtures in the Entrance Corridors.
27. The height and scale of freestanding, pole-mounted light fixtures should be compatible with the height and scale of the buildings and the sites they are illuminating, and with the use of the site. Typically, the height of freestanding pole-mounted light fixtures in the Entrance Corridors should not exceed 20 feet, including the base. Fixtures that exceed 20 feet in height will typically require additional screening to achieve an appropriate appearance from the Entrance Corridor.
28. In determining the appropriateness of lighting fixtures for the Entrance Corridors, the individual context of the site will be taken into consideration on a case by case basis.
29. The following note should be included on the lighting plan: "Each outdoor luminaire equipped with a lamp that emits 3,000 or more initial lumens shall be a full cutoff luminaire. The spillover of

lighting from luminaires onto public roads and property in residential or rural areas zoning districts shall not exceed one half footcandle.”

Guidelines for the Use of Decorative Landscape Lighting

If other site lighting is visible from the Entrance Corridor, lighting used for decorative purposes will generally not be approved. However, the ARB will review each proposal to determine impact and appropriateness for the Entrance Corridor.

30. Exterior light used for decorative effect shall:
- a) be compatible with the character of the Entrance Corridor. Compatibility of exterior lighting and lighting fixtures is assessed in terms of design, use, size, scale, color, and brightness.
 - b) impact only the immediate site. The effect of the illumination should not be discernible from distances along the Entrance Corridor.
31. Where used for decorative effect, outdoor light fixtures shall:
- a) be equipped with automatic timing devices and shall be extinguished between the hours of 11:00 p.m. and dawn.
 - b) be shielded and focused to eliminate glare. Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of mounting height, wattage, aiming angle, fixture placement, etc.
 - c) be cutoff luminaires, aimed so as not to project their output beyond the objects intended to be illuminated; or non-cutoff luminaires, equipped with glare shields, visors, barn doors, and/or other similar shielding accessories as required to meet the following criteria: Light distribution from all lighting installations shall be cut-off at all angles beyond those required to restrict direct illumination to within the perimeter of the landscape feature being illuminated.
 - d) never exceed 3,000 lumens. Further restrictions on lumens may be imposed by the ARB.
 - e) not be modified to reflect seasonal colors.
 - f) be of a number that is compatible with the scale of the object and the development to be illuminated, such that the light emitted will not over-illuminate or overpower the site, as determined by the ARB.

Signs

See the ARB's revised sign guidelines, adopted October 13, 2004.

Landscaping

32. Landscaping along the frontage of Entrance Corridor streets should include the following:
- a) Large shade trees should be planted parallel to the Entrance Corridor Street. Such trees should be at least 3½ inches caliper (measured 6 inches above the ground) and should be of a plant species common to the area. Such trees should be located at least every 35 feet on center.
 - b) Flowering ornamental trees of a species common to the area should be interspersed among the trees required by the preceding paragraph. The ornamental trees need not alternate one for one with the large shade trees. They may be planted among the large shade trees in a less regular spacing pattern.

- c) In situations where appropriate, a three or four board fence or low stone wall, typical of the area, should align the frontage of the Entrance Corridor street.
 - d) An area of sufficient width to accommodate the foregoing plantings and fencing should be reserved parallel to the Entrance Corridor street, and exclusive of road right-of-way and utility easements.
33. Landscaping along interior roads:
- a) Large trees should be planted parallel to all interior roads. Such trees should be at least 2½ inches caliper (measured six inches above the ground) and should be of a plant species common to the area. Such trees should be located at least every 40 feet on center.
34. Landscaping along interior pedestrian ways:
- a) Medium trees should be planted parallel to all interior pedestrian ways. Such trees should be at least 2½ inches caliper (measured six inches above the ground) and should be of a species common to the area. Such trees should be located at least every 25 feet on center.
35. Landscaping of parking areas:
- a) Large trees should align the perimeter of parking areas, located 40 feet on center. Trees should be planted in the interior of parking areas at the rate of one tree for every 10 parking spaces provided and should be evenly distributed throughout the interior of the parking area.
 - b) Trees required by the preceding paragraph should measure 2½ inches caliper (measured six inches above the ground); should be evenly spaced; and should be of a species common to the area. Such trees should be planted in planters or medians sufficiently large to maintain the health of the tree and shall be protected by curbing.
 - c) Shrubs should be provided as necessary to minimize the parking area's impact on Entrance Corridor streets. Shrubs should measure 24 inches in height.
36. Landscaping of buildings and other structures:
- a) Trees or other vegetation should be planted along the front of long buildings as necessary to soften the appearance of exterior walls. The spacing, size, and type of such trees or vegetation should be determined by the length, height, and blankness of such walls.
 - b) Shrubs should be used to integrate the site, buildings, and other structures; dumpsters, accessory buildings and structures; "drive thru" windows; service areas; and signs. Shrubs should measure at least 24 inches in height.
37. Plant species:
- a) Plant species required should be as approved by the Staff based upon but not limited to the *Generic Landscape Plan Recommended Species List* and *Native Plants for Virginia Landscapes*.
38. Plant health:
- a) The following note should be added to the landscape plan: "All site plantings of trees and shrubs shall be allowed to reach, and be maintained at, mature height; the topping of trees is prohibited. Shrubs and trees shall be pruned minimally and only to support the overall health of the plant."

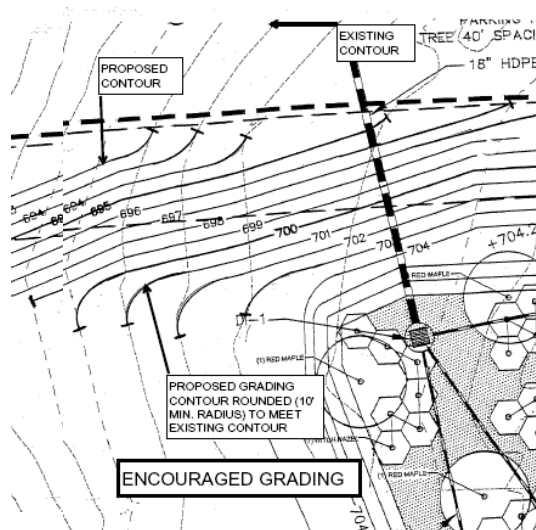
Site development and layout:

Development pattern

39. The relationship of buildings and other structures to the Entrance Corridor street and to other development within the corridor should be as follows:
- a) An organized pattern of roads, service lanes, bike paths, and pedestrian walks should guide the layout of the site.
 - b) In general, buildings fronting the Entrance Corridor street should be parallel to the street. Building groupings should be arranged to parallel the Entrance Corridor street.
 - c) Provisions should be made for connections to adjacent pedestrian and vehicular circulation systems.
 - d) Open spaces should be tied into surrounding areas to provide continuity within the Entrance Corridor.
 - e) If significant natural features exist on the site (including creek valleys, steep slopes, significant trees or rock outcroppings), to the extent practical, then such natural features should be reflected in the site layout. If the provisions of Section 32.5.6.n of the *Albemarle County Zoning Ordinance* apply, then improvements required by that section should be located so as to maximize the use of existing features in screening such improvements from Entrance Corridor streets.
 - f) The placement of structures on the site should respect existing views and vistas on and around the site.

Site Grading

40. Site grading should maintain the basic relationship of the site to surrounding conditions by limiting the use of retaining walls and by shaping the terrain through the use of smooth, rounded land forms that blend with the existing terrain. Steep cut or fill sections are generally unacceptable. Proposed contours on the grading plan shall be rounded with a ten foot minimum radius where they meet the adjacent condition. Final grading should achieve a natural, rather than engineered, appearance. Retaining walls 6 feet in height and taller, when necessary, shall be terraced and planted to blend with the landscape.



41. No grading, trenching, or tunneling should occur within the drip line of any trees or other existing features designated for preservation in the final Certificate of Appropriateness. Adequate tree protection fencing should be shown on, and coordinated throughout, the grading, landscaping and erosion and sediment control plans.
42. Areas designated for preservation in the final Certificate of Appropriateness should be clearly delineated and protected on the site prior to any grading activity on the site. This protection should remain in place until completion of the development of the site.
43. Preservation areas should be protected from storage or movement of heavy equipment within this area.
44. Natural drainage patterns (or to the extent required, new drainage patterns) should be incorporated into the finished site to the extent possible.
45. Fuel Pump Canopies
(Adopted by the ARB on August 25, 1998, revised October 13, 2004)
 - a) Fuel pump canopies may be required to provide customers with protection from the elements and to provide lighting levels required for dispensing fuel. Such fuel pump canopies are functional elements of present-day gas/convenience stores and their character and appearance shall reflect a minimalist design consistent with that function.
 - b) Fuel pump canopies shall be the smallest size possible to offer protection from the elements. Canopies shall not exceed the sizes identified in Standards for Fuel Pump Canopies as outlined in Appendix B.
 - c) The size of the canopy fascia and canopy support columns shall be in proportion to the overall size of the canopy structure. The fascia shall not exceed 36" in total height, including any accent bands.
 - d) Canopy fascias shall not be illuminated.
 - e) Lighting of fuel pump canopies shall be of the lowest level that will provide safe dispensing of fuel. All canopy lighting shall be flush-mounted and shielded, downward directed, and shall not emit light above the horizontal plane. All canopy lighting shall meet the .5 foot-candle spillover requirement in compliance with zoning ordinance regulations.
 - f) Canopy related elements, including fuel dispensers, support columns, spandrels, planters, etc. shall be compatible with the character of the building and site and shall not be used for advertising.
 - g) The architectural elements of a building should not be altered to reflect trademark canopy design.
 - h) Canopy fascias shall be limited to the use of one principal color, with ARB review.
 - i) Colors, materials, forms, and detailing may be used to coordinate canopies with a site, its building(s), and structures.
 - j) Fuel pump canopy applicants should refer to ARB Standards for Fuel Pump Canopies. (Appendix B)

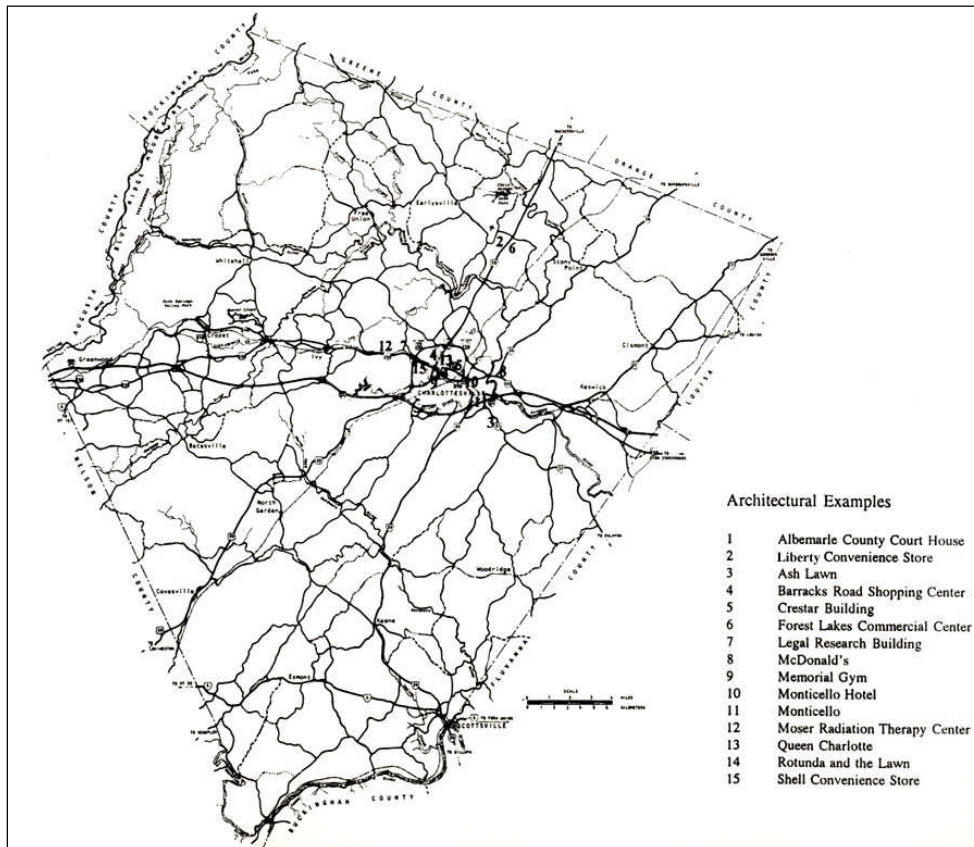
APPENDIX A

The following list contains properties that serve as examples for architecture and site design proposed within the Entrance Corridor Overlay District. The list contains historic buildings as well as more recently constructed buildings. The buildings are located within Albemarle County and the City of Charlottesville.

Albemarle County Court House
 Albemarle First Bank (Route 29 North)
 Liberty Station & Convenience Store (previously Amoco, intersection of Route 29 North and Airport Road)
 Ash Lawn
 Barracks Road Shopping Center (Barracks Road and Emmet Street intersection)
 Crestar Building (High Street)
 Forest Lakes Commercial Area (intersection of Route 29 North and Airport Road)
 Ivy Commons (Ivy Road)
 Legal Research Building (Route 250 West)
 McDonald's (intersection of Route 250 East and Route 20 North)
 Memorial Gym (University of Virginia)
 Monticello
 Moser Radiation Therapy Center (Route 250 West)
 Peter Jefferson Place (Route 250 East)
 Queen Charlotte (High Street)
 Rotunda and the Lawn (University of Virginia)
 Shell Convenience Store Building (Route 250 East)
 Wachovia Bank (Route 29 North)

The buildings as noted above are either historically significant or serve as examples of architecture compatible with historically significant buildings in the Charlottesville and Albemarle area and serve as examples of shapes, structures, materials, colors, textures, site development, and the integration of site and structure which are encouraged by these guidelines.

It should be recognized, however, that replication of these examples will not necessarily result in the issuance of a Certificate of Appropriateness by the Architectural Review Board because each building site and its context is unique.



APPENDIX B

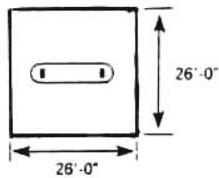
Standards for Fuel Pump Canopies

(Adopted by the ARB on August 13, 1998)

LENGTH

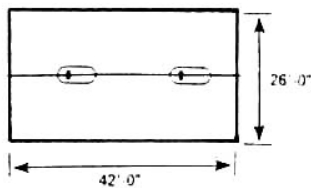
Maximum length for a single island canopy = 26'

(= 4' comfort zone front + 18' auto length + 4' comfort zone back)



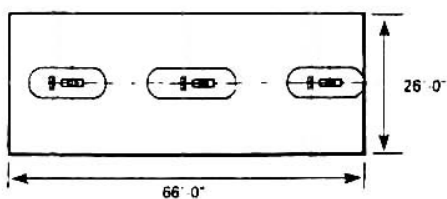
Maximum length for a double island canopy = 42'

(= 2' comfort zone front + 18' auto length + 2' comfort zone middle + 18' auto length + 2' comfort zone back)



Maximum length for a triple island canopy = 66'

(= 3' comfort zone front + 18' auto length + 3' comfort zone middle + 18' auto length + 3' comfort zone back + 18' auto length + 3' comfort zone back)



WIDTH

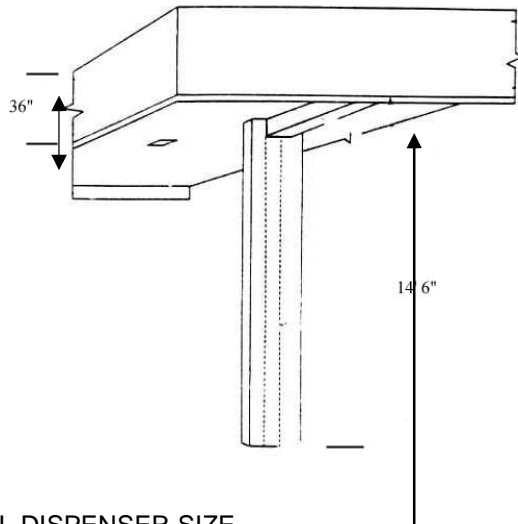
Maximum width for single island canopies = 26'. (= 3' (open door overhang) + 6' (car width) + 2' (curb clearance) + 4' (island width) + 2' (curb clearance) + 6' (car width) + 3' (open door overhang))

HEIGHT (from ground to bottom of fascia)

Maximum acceptable height is 14' 6".

FASCIA HEIGHT

Maximum fascia height is 36".



FUEL DISPENSER SIZE

A typical size is 7' 9" high (approximately half the minimum canopy height), 4'6" wide, 32" deep.

ISLAND SIZE

A typical size is 12-14' long, 4' wide, 9" tall.