

**ORDINANCE NO. 06-18( )**

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 Regulations, Article II, Basic Regulations, and Article III, District Regulations, is hereby amended and reordained as follows:

**By Amending:**

- Sec. 3.1        Definitions
- Sec. 10.2.1    By right
- Sec. 10.2.2    By special use permit

**By Adding:**

- Sec. 5.1.44    Farm worker housing

**Chapter 18. Zoning**

**Article I. General Regulations**

**Sec. 3.1 Definitions**

Farm: The term “farm” means one or more parcels of land, whether such parcels are abutting or not, operated under the same management and whose primary use is agriculture.

Farm worker housing, Class A: The term “Farm worker housing, Class A” means: (i) structures located on a farm that are designed and arranged to be occupied exclusively by up to ten (10) persons employed to work on the farm on which the structures are located for seasonal agriculture work or up to ten (10) persons including the farm workers and their immediate families; (ii) the number of such structures designed and arranged for sleeping does not exceed two (2); and (iii) no single structure contains all of the following: provisions for sleeping, eating, food preparation, and sanitation (bathing and/or toilets).

Farm worker housing, Class B: The term “Farm worker housing, Class B” means: (i) either structures located on a farm that are designed and arranged to be occupied exclusively by more than ten (10) persons employed to work on the farm on which the structures are located for seasonal agriculture work or more than ten (10) persons including the farm workers and their immediate families, or the number of such structures designed and arranged for sleeping is three (3) or more, regardless of the number of farm workers or their family members who could sleep in such structures; and (ii) no single structure contains all of the following: provisions for sleeping, eating, food preparation, and sanitation (bathing and/or toilets).

Seasonal agriculture work: The term “seasonal agriculture work” means work by a person employed to work on a farm to perform either field work related to planting, cultivating, work

related to keeping livestock and/or poultry, or harvesting operations, or work related to canning, packing, ginning, seed conditioning or related agriculture operations, and the work pertains to or is of the kind exclusively performed at certain seasons or periods of the year and which, from its nature, may not be continuous or carried on throughout the year. A person who moves from one seasonal activity to another while employed by the farm to perform agriculture work is engaged in seasonal agriculture work even though he or she may continue to be employed by the farm throughout the year.

## **Article II. Basic Regulations**

### **Sec. 5.1.44 Farm worker housing**

Each farm worker housing facility shall be subject to the following:

- a. *Concept plan to be submitted with application for farm worker housing.* Before applying for the first building permit for a farm worker housing, Class A, facility, or in addition to any other information required to be submitted for a farm worker housing, Class B, special use permit, the applicant shall submit a concept plan meeting the requirements of section 5.1.44(b).
- b. *Contents of concept plan.* The concept plan shall show the following: (i) the boundary lines of the farm (may be shown on an inset map if necessary); (ii) the location and general layout of the proposed structures at a scale of not more than one (1) inch equals forty (40) feet; (iii) vehicular access, travelways and parking for the facility; (iv) topography (with a contour interval of no greater than ten (10) feet); (v) critical slopes; (vi) streams, stream buffers and floodplains; (vii) source(s) of water for fire suppression; (viii) building setback lines as provided in subsection 5.1.44(g) below; and (ix) outdoor lighting. The concept plan also shall include a written description of each structure's construction and materials used, and the number of persons to be housed in the farm worker housing facility.
- c. *Notice of receipt of concept plan to abutting owners.* The zoning administrator shall send notice of the receipt of a concept plan as follows:

  1. *Farm worker housing, Class A, facility:* For each concept plan received for a farm worker housing, Class A, facility, the zoning administrator shall send notice to the owner of each lot abutting the parcel for which a concept plan has been received within ten (10) days after submittal of the concept plan deemed by the zoning administrator to be complete. The notice shall include a copy of the concept plan and shall advise each recipient of the right to submit written comments within ten (10) days of the date of the notice and the right to request planning commission review as provided in section 5.1.44(d). Notice mailed to the abutting owner shall be mailed to the last known address of the owner, and mailing the notice to the address shown on the current real estate tax assessment records of the county shall be deemed compliance with this requirement. The failure of an abutting owner to receive the notice required by this section shall not affect the validity of an approved concept plan or zoning compliance clearance.

2. Farm worker housing, Class B, facility. For each concept plan received for a farm worker housing, Class B, facility, notice to the owner of each lot abutting the parcel for which a concept plan has been received shall be provided in conjunction with the notice required for the special use permit.
- d. Request for planning commission review and action on farm worker housing, Class A, facility concept plan. An abutting owner to whom notice for a farm worker housing, Class A, facility concept plan under section 5.1.44(c)(1) and who submitted timely written comments about the concept plan as provided therein may request that the planning commission review and act on the concept plan. The request shall be in writing, state the reasons why the commission should review the concept plan, and be filed with the director of planning within ten (10) days after the date of the notice from the zoning administrator.
- e. Review and action on concept plan. A concept plan shall be reviewed and acted upon as follows:

  1. Farm worker housing, Class A, facility. For a farm worker housing, Class A, facility, the concept plan shall be approved by the zoning administrator or the planning commission, as the case may be, before any building permit is issued for the facility. The concept plan shall be approved by the zoning administrator or the commission if it satisfies all applicable requirements of the zoning ordinance and the design is determined to not be a substantial detriment to abutting parcels. In approving the concept plan, the zoning administrator or the commission may impose reasonable conditions to mitigate impacts on abutting parcels arising from facility. The commission shall give due consideration to the recommendations of the zoning administrator, the director of planning and other officials. In addition, the commission may consider such other evidence as it deems necessary for a proper review of the application.
  2. Farm worker housing, Class B, facility. For a farm worker housing, Class B, facility, the concept plan shall be reviewed and acted upon in conjunction with the special use permit.
- f. Farm worker housing facilities; permissible structures. Farm worker housing facilities shall not use motor vehicles or major recreational equipment, as that term is defined in section 4.12.3(b)(1) of this chapter, to provide for sleeping, eating, food preparation, or sanitation (bathing and/or toilets).
- g. Minimum yards. Notwithstanding any other provision of this chapter, the minimum front yard shall be seventy-five (75) feet. The minimum side and rear yards shall be fifty (50) feet. All yards shall be measured from the farm worker housing structures.
- h. Zoning compliance clearance. The owner shall obtain a zoning compliance clearance from the zoning administrator as provided in section 31.2.3.2 of this chapter before a farm worker housing facility is occupied, subject to the following additional requirements:

1. The applicant shall apply for a zoning compliance clearance at least thirty (30) days prior to the first expected occupation of the farm worker housing facility. The application shall be submitted to the zoning administrator.
2. The zoning compliance clearance application shall include all of the following information:
  - a. Written approval of the farm worker housing facility as a migrant labor camp under 12 VAC 5-501-10 et seq., the food preparation area, the private water supply, and the septic disposal system by the Virginia Department of Health.
  - b. Approval of the access to the site from a public street by the Virginia Department of Transportation; provided that nothing herein shall be deemed to require that a commercial entrance be constructed unless such an entrance is required by the Virginia Department of Transportation.
  - c. Written approval of the adequacy of the access to the site for emergency vehicles by the fire marshal.
  - d. Written approval of the adequacy of the structures intended for human habitation by the building official.
3. Upon the zoning administrator's determination that all requirements of the zoning ordinance are satisfied, that all conditions of the special use permit authorizing a farm worker housing, Class B, facility, are satisfied, and upon receipt of the approvals and documents required in section 5.1.44(h)(2), the zoning administrator shall issue a zoning compliance clearance for the facility.
  - i. Use of farm worker housing facility by workers and their families only. A farm worker housing facility shall be occupied only by persons employed to work on the farm on which the structures are located for seasonal agriculture work and their immediate families as provided herein.
  - j. Use of farm worker housing facility when not occupied. When not occupied by seasonal farm workers, farm worker housing facilities may be used for any use accessory to a primary agriculture use.

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

#### **Sec. 10.2.1 By right**

The following uses shall be permitted in any RA district subject to the requirements and limitations of these regulations:

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23. Farm worker housing, Class A (up to ten occupants and up to two sleeping structures) (reference 5.1.44).

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**Sec. 10.2.2 By special use permit**

The following uses shall be permitted only by special use permit approved by the board of supervisors pursuant to section 31.2.4: (Added 10-9-02)

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- 51. Farm worker housing, Class B (more than ten occupants or more than two sleeping structures) (reference 5.1.44).

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