

ORDINANCE NO. 07-18()

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, AND ARTICLE IV, PROCEDURE, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article I, General Regulations, and Article IV, Procedure, are hereby amended and reordained as follows:

By Amending:

- Sec. 2.3 Conflicting ordinances
- Sec. 3.1 Definitions
- Sec. 33.3 Proffer of conditions

Chapter 18. Zoning

Article 1. General Provisions

Sec. 2.3 ~~Conflicting ordinances~~ Regulations conflicting with other local or state or federal laws

Whenever provisions within this ordinance ~~chapter~~ conflict with any local, state or federal statute or regulation with respect to requirements or standards, the most severe or stringent requirement or standard shall prevail.

For purposes of this section, any proffer heretofore accepted by the board of supervisors in accordance with ~~section 15.2-2296 of the Code~~ Virginia Code § 15.2-2296 et seq., shall be continued in effect and shall be construed to be a "local regulation" until amended or varied by the board of supervisors in accordance with law, regardless of the repeal of any previous zoning ordinance.

Sec. 3.1 Definitions

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Proffer: A written condition ~~voluntarily~~ offered by the owner of land who has applied for a zoning map amendment that imposes a regulation or requirement that is in addition to the regulations otherwise applicable to the land under this chapter. (Added 10-3-01)

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Article IV. Procedure

Sec. 33.3 Proffer of conditions

Prior to ~~any the~~ public hearing before the board of supervisors ~~any applicant for rezoning may voluntarily on a rezoning application required by Virginia Code § 15.2-2285, the owner of the land that is the subject of the rezoning may~~ proffer, in writing, reasonable conditions to be applied to such rezoning as part thereof. Such conditions are authorized by, and shall comply

with, the provisions of section 15.2-2298 of the Code Virginia Code § 15.2-2303; provided that the proffering thereof by the applicant owner shall be deemed prima facie evidence of such compliance. (Amended 4-4-90)

I, Ella W. Carey, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of _____ to _____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Boyd	_____	_____
Mr. Dorrier	_____	_____
Mr. Rooker	_____	_____
Mr. Slutzky	_____	_____
Ms. Thomas	_____	_____
Mr. Wyant	_____	_____