

ORDINANCE NO. 09-18()

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, ARTICLE II, BASIC REGULATIONS, ARTICLE III, DISTRICT REGULATIONS, 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 Provisions, Article II, Basic Regulations, Article III, District Regulations, and Article IV, Procedure, of the Code of the County of Albemarle are amended and reordained as follows:

By Amending:

- Sec. 4.2.5 Modification or waiver
- Sec. 4.7 Regulations governing open space
- Sec. 4.7.1 Open space, intent
- Sec. 4.7.2 Uses permitted in open space
- Sec. 4.7.3 Open space, design requirements
- Sec. 4.7.4 Ownership of open space
- Sec. 21.7 Minimum yard requirements
- Sec. 21.7.1 Untitled
- Sec. 21.7.2 Untitled
- Sec. 21.7.3 Untitled
- Sec. 26.10 Minimum yard requirements
- Sec. 26.10.1 Untitled
- Sec. 26.10.2 Untitled
- Sec. 26.10.3 Untitled
- Sec. 32.2 When required
- Sec. 32.2.1 Untitled
- Sec. 32.2.2 Untitled

By Adding:

- Sec. 2.5 Procedure for administrative waivers

Chapter 18. Zoning

Article I. General Provisions

Sec. 2.5 Procedure for administrative waivers

Applications for administrative waivers submitted pursuant to sections 4.2.5, 21.7, 26.10 and 32.2 shall be processed as follows:

- a. Application. A developer or subdivider requesting a waiver shall file a written request with the department of community development stating the reason for the waiver and explaining why the request satisfies one or more of the applicable standards and findings in sections 4.2.5, 21.7, 26.10 or 32.2.
- b. Notice to board, commission and abutting owners. When an application for an administrative waiver is submitted, the agent shall send notice by first class mail, electronic mail (“e-mail”) or by personal delivery to each member of the board of supervisors, the commission and to the owner of each lot abutting the lot for which the waiver is sought. The notice shall describe the proposed waiver, the name, address, email address and telephone number of the agent, the location where any documents submitted with the waiver request may be viewed, and the date by which the agent will act on the request. The notice also shall advise each recipient of the right to request review of the waiver request by the commission and

the date by which the review must be requested. The notice shall be mailed, sent or hand delivered at least five (5) days prior to the date by which the agent will act on the waiver request. Notice that is mailed to the owner of each lot abutting the lot for which the waiver is sought shall be mailed to the last known address of the owner. 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. If a lot abutting the lot for which the waiver is sought is owned by the same owner, the notice shall be given to the owner of the next abutting property not owned by that owner. The failure of any person to receive the notice required by this subsection shall not affect the validity of a waiver, if granted.

- c. *Request for commission review.* An abutting owner or a member of the board of supervisors or the commission may request commission review of a waiver. **Any request shall be in writing, shall state the reasons that commission review is requested, and shall be received by the agent by the date stated in the notice. A written request may be submitted either by regular mail, by email, or by hand delivery.**
- d. *Procedure if commission review requested.* If review of a waiver by the commission is timely requested, the commission shall review and act on the waiver request within thirty (30) days of the date of the request for review. In its review and action on the waiver, the commission shall apply the applicable standards and findings in sections 4.2.5, 21.7, 26.10 or 32.2. In granting a waiver, the commission may impose such conditions deemed necessary to protect the public health, safety, or welfare.
- e. *Appeals.* The denial of a waiver, or the approval of a waiver with conditions objectionable to the developer or subdivider, may be appealed from the agent or the commission to the commission or the board, as the case may be, as an appeal of a denial of the plat, as provided in section 14-226 of the Code, or the site plan, as provided in sections 32.4.2.7 or 32.4.3.9, to which the waiver pertains. A waiver considered by the commission in conjunction with an application for a special use permit shall be subject to review by the board of supervisors. In considering a waiver on appeal, the commission or the board may grant or deny the waiver based upon the applicable standards and findings in sections 4.2.5, 21.7, 26.10 or 32.2, amend any condition imposed by the agent or the commission, and impose any conditions deemed necessary to protect the public health, safety, or welfare.
- f. *Waivers include modifications.* For the purposes of this section 2.5, the term “waiver” or any form thereof, includes the term “modification” as used in this chapter.

Article II. Basic Regulations

Sec. 4.2.5 Modification or waiver

~~Any requirement of section 4.2 may be modified or waived in an individual case, as provided herein:~~

- ~~a. A developer requesting such modification or waiver shall file a written request in accordance with section 32.3.10.4 of this chapter and shall in such request address each concern set forth in section 4.2. No such modification or waiver shall be granted until the commission shall have considered the recommendation of the agent. The agent in formulating such recommendation may consult with the county engineer, Virginia Department of Health, water resources manager and other appropriate officials. The county engineer shall evaluate the potential for soil erosion, sedimentation and water pollution in accord with current provisions of the Virginia Department of Transportation Drainage Manual, the Commonwealth of Virginia Erosion and Sediment Control Handbook and Virginia State Water Control Board best management practices, and where applicable, Chapter 17, Water Protection, of the Code. (Amended 11-15-89)~~
- ~~b. The commission may modify or waive any requirement of section 4.2 in a particular case upon finding that: (Amended 11-15-89)~~

- ~~1. Strict application of the requirements of section 4.2 would not forward the purposes of this chapter or otherwise serve the public health, safety or welfare, or that alternatives proposed by the developer would satisfy the purposes of section 4.2 to at least an equivalent degree; or (Added 11-15-89)~~
 - ~~2. Due to its unusual size, topography, shape of the property, location of the property or other unusual conditions, excluding the proprietary interest of the developer, the requirements of section 4.2 would effectively prohibit or unreasonably restrict the use of the property or would result in significant degradation of the site or adjacent proper ties. Such modification or waiver shall not be detrimental to the public health, safety or welfare, to the orderly development of the area, or to adjacent properties, or be contrary to sound engineering practices; or (Added 11-15-89)~~
 - ~~3. Granting such modification or waiver would serve a public purpose of greater import than would be served by strict application of section 4.2. (Added 11-15-89)~~
- e. ~~In granting such modification or waiver, the commission may impose such conditions as it deems necessary to protect the public health, safety or welfare and to insure that such development will be consistent with the intent of section 4.2.~~
- d. ~~The board of supervisors shall consider a modification or waiver of any requirement of section 4.2 only as follows:~~
- ~~1. The denial of a modification or waiver, or the approval of a modification or waiver with conditions objectionable to the developer may be appealed to the board of supervisors as an appeal of a denial of the plat, as provided in section 14-226 of the Code, or the site plan, as provided in section 32.4.2.7 or 32.4.3.9, to which the modification or waiver pertains. A modification or waiver considered by the commission in conjunction with an application for a special use permit shall be subject to review by the board of supervisors.~~
 - ~~2. In considering a modification or waiver, the board may grant or deny the modification or waiver based upon the findings set forth in subsection (B), amend any condition imposed by the commission, and impose any conditions it deems necessary for the reasons set forth in subsection (c).~~

Any requirement of section 4.2.1, 4.2.2, 4.2.3 or 4.2.4 may be modified or waived as provided herein:

- a. Modification or waiver by the commission. The commission may modify or waive any requirement that is not subject to an administrative waiver as provided in subsection (b), as follows:
1. Request. A developer or subdivider requesting a modification or waiver shall file a written request in accordance with section 32.3.10(d) of this chapter and identify and state how the request would satisfy one or more of the findings set forth in subsection 4.2.5(a)(3). If the request pertains to a modification or waiver of the prohibition of disturbing slopes of twenty-five (25) percent or greater (hereinafter, "critical slopes"), the request also shall state the reason for the modification or waiver, explaining how the modification or waiver, if granted, would address the rapid and/or large-scale movement of soil and rock, excessive stormwater run-off, siltation of natural and man-made bodies of water, loss of aesthetic resources, and, in the event of septic system failure, a greater travel distance of septic effluent (collectively referred to as the "public health, safety, and welfare factors") that might otherwise result from the disturbance of critical slopes.
 2. Consideration of recommendation; determination by county engineer. In reviewing a request for a modification or waiver, the commission shall consider the recommendation of the agent as to whether any of the findings set forth in subsection 4.2.5(a)(3) can be made by the commission. If the request pertains to a modification or waiver of the prohibition of disturbing

critical slopes, the commission shall consider the determination by the county engineer as to whether the developer or subdivider will address each of the public health, safety and welfare factors so that the disturbance of the critical slopes will not pose a threat to the public drinking water supplies and flood plain areas, and that soil erosion, sedimentation, water pollution and septic disposal issues will be mitigated to the satisfaction of the county engineer. The county engineer shall evaluate the potential for soil erosion, sedimentation and water pollution that might result from the disturbance of slopes of twenty-five (25) percent or greater in accordance with the current provisions of the Virginia Department of Transportation Drainage Manual, the Commonwealth of Virginia Erosion and Sediment Control Handbook and Virginia State Water Control Board best management practices, and where applicable, Chapter 17, Water Protection, of the Code.

3. Findings. The commission may grant a modification or waiver if it finds that the modification or waiver would not be detrimental to the public health, safety or welfare, to the orderly development of the area, or to adjacent properties; would not be contrary to sound engineering practices; and at least one of the following:
 - a. Strict application of the requirements of section 4.2 would not forward the purposes of this chapter or otherwise serve the public health, safety or welfare;
 - b. Alternatives proposed by the developer or subdivider would satisfy the intent and purposes of section 4.2 to at least an equivalent degree;
 - c. Due to the property's unusual size, topography, shape, location or other unusual conditions, excluding the proprietary interest of the developer or subdivider, prohibiting the disturbance of critical slopes would effectively prohibit or unreasonably restrict the use of the property or would result in significant degradation of the property or adjacent properties; or
 - d. Granting the modification or waiver would serve a public purpose of greater import than would be served by strict application of the regulations sought to be modified or waived.
4. Conditions. In granting a modification or waiver, the commission may impose conditions deemed necessary to protect the public health, safety or welfare and to insure that the development will be consistent with the intent and purposes of section 4.2.
5. Appeal. The board of supervisors shall consider a modification or waiver as follows:
 - a. The denial by the commission of a modification or waiver, or the approval of a modification or waiver by the commission with conditions objectionable to the developer or subdivider, may be appealed to the board of supervisors as an appeal of a denial of the plat, as provided in section 14-226 of the Code, or the site plan, as provided in section 32.4.2.7 or 32.4.3.9, to which the modification or waiver pertains. A modification or waiver considered by the commission in conjunction with an application for a special use permit shall be subject to review by the board of supervisors.
 - b. In considering a modification or waiver, the board may grant or deny the modification or waiver based upon the findings set forth in subsection 4.2.5(a)(3), amend any condition imposed by the commission, and impose any conditions it deems necessary for the reasons set forth in subsection 4.2.5(a)(4).

b. Waiver by the agent. In accordance with the procedures stated in section 2.5 of this chapter, the agent may waive the prohibition of disturbing critical slopes on any parcel not within the Rural Areas (RA), Monticello Historic District (MHD) or Village Residential (VR) zoning districts in the following circumstances: (i) the critical slopes were created during the development of the property pursuant to a site plan approved by the county; or (ii) the critical slopes will be disturbed to replace an existing structure located on the critical slopes and the extent of the disturbance is the minimum necessary to replace the existing structure with a new structure whose footprint does not exceed the footprint of the existing structure. The agent may grant a waiver if he or she finds that:

1. The property is not identified in the open space plan as one having any protected resources and a field inspection has confirmed that there are no significant or critical features on the property identified for protection in the open space plan;
2. There is no reasonable alternative that would eliminate or reduce the disturbance of critical slopes;
3. The developer or subdivider submitted and obtained approval from the program authority of an erosion and sediment control plan, regardless of whether the area disturbed is less than ten thousand (10,000) square feet; and
4. The developer or subdivider submitted and obtained approval from the county engineer of a plan that describes how the movement of soil and rock, stormwater runoff, siltation of natural and man-made bodies of water, the loss of aesthetic resources identified in the open space element of the comprehensive plan and, in the event of the failure of a treatment works and subsurface drainfield, a greater travel distance of septic effluent, will be mitigated through design, construction techniques, revegetation, stormwater management and other best management practices.

(12-10-80, § 4.2.5; 11-15-89; Ord. 01-18(4), 5-9-01)

Sec. 4.7 Regulations governing ~~o~~Open space

Sec. 4.7.1 ~~Open space, intent~~

~~Open space provisions are intended to encourage development approaches reflective of the guidelines of the comprehensive plan by permitting flexibility in design. More specifically, open space is intended to serve such varied comprehensive plan objectives as:~~

- ~~-Provision of active/passive recreation;~~
- ~~-Protection of areas sensitive to development;~~
- ~~-Buffering between dissimilar uses; and~~
- ~~-Preservation of agricultural activity.~~

~~To this end, in any rezoning, subdivision plat, or site development plan proposing inclusion of open space areas, the commission shall consider the appropriateness of such areas for the intended usage in terms of such factors as location, size, shape and topographic characteristics.~~

Sec. 4.7.2 ~~Uses permitted in open space~~

~~Unless otherwise permitted by the commission in a particular case, open space shall be maintained in a natural state and shall not be developed with any man-made feature. Where deemed appropriate by the~~

commission, open space may be used for one or more of the following uses subject to the regulations of the zoning district in which the development is located:

- ~~-Agriculture, forestry and fisheries including appropriate structures;~~
- ~~-Game preserves, wildlife sanctuaries and the like;~~
- ~~-Noncommercial recreational structures and uses;~~
- ~~-Public utilities;~~
- ~~-Wells and septic systems for emergency use only (reference 4.1.7) (Amended 6-3-81)~~
- ~~-Stormwater detention and flood control devices.~~

Sec. 4.7.3 Open space, design requirements (Amended 11-15-89)

4.7.3.1 In addition to provision of section 4.7.1 and section 4.7.2, in reviewing development proposing incorporation of open space, the commission may require inclusion in such open space of:
(Amended 11-15-89)

- ~~-Areas deemed inappropriate for or prohibited to development such as but not limited to: land in the one hundred year flood plain and significant drainage swales; land in slopes of twenty five (25) percent or greater; major public utility easements; stormwater detention and flood control devices; and lands having permanent or seasonally high water tables; (Amended 11-15-89)~~
- ~~-Areas to satisfy provisions of section 4.16 Recreation Regulations; (Added 11-15-89)~~
- ~~-Areas to provide reasonable buffering between dissimilar uses within such development and between such development and adjoining properties. (Added 11-15-89)~~

4.7.3.2 ~~The commission may require redesign of such proposed development to accommodate open space areas as may be required under this provision; provided that, in no case, shall such redesign result in reduction of the total number of proposed dwelling units otherwise realizable under this ordinance for conventional development. (Added 11-15-89)~~

4.7.3.3 In such case where open space is required by provisions of this ordinance ordinance, not more than eighty (80) percent of such minimum required open space shall consist of the following:
(Added 11-15-89)

- a. ~~Land located within the one hundred year flood plain; and (Added 11-15-89)~~
- b. ~~Land subject to occasional, common or frequent flooding as defined in Table 16 Soil and Water Features of the United States Department of Agriculture Soil Conservation Service, Soil Survey of Albemarle County, Virginia, August, 1985; and (Added 11-15-89)~~
- c. ~~Land in slopes of twenty five (25) percent or greater; and (Added 11-15-89)~~
- d. ~~Land devoted to stormwater or flood control devices except where such feature is incorporated into a permanent pond, lake or other water feature deemed by the commission to constitute a desirable open space amenity. (Added 11-15-89)~~

Sec. 4.7.4 Ownership of open space

~~Open space in private ownership shall be protected by legal arrangements sufficient to ensure its maintenance and preservation for purposes for which it is intended. Such arrangements shall be subject to commission approval as a part of the site development plan and/or subdivision plat approval process.~~

~~Open space may be dedicated to public use subject to approval and acceptance by separate resolution of the board of supervisors. Open space so dedicated shall be counted as a part of the minimum required open space.~~

Open space shall be established, used, designed and maintained as follows:

- a. *Intent.* Open space is intended to provide active and passive recreation, protect areas sensitive to development, buffer dissimilar uses from one another and preserve agricultural activities. The commission and the board of supervisors shall consider the establishment, use, design and maintenance of open space in their review and approval of zoning map amendments. The subdivision agent and the site plan agent (hereinafter, collectively referred to as the "agent") shall apply the following principles when reviewing open space provided on a subdivision plat or site plan.
- b. *Uses permitted.* Open space shall be maintained in a natural state and shall not be developed with any improvements, provided that the agent may authorize the open space to be used and improved for the following purposes: (i) agriculture, forestry and fisheries, including appropriate structures; (ii) game preserves, wildlife sanctuaries and similar uses; (iii) noncommercial recreational uses and structures; (iv) public utilities; (v) individual wells and treatment works with subsurface drainfields (reference section 4.1.7); and (vi) stormwater management facilities and flood control devices.
- c. *Design.* Open space shall be designed as follows:
 1. *Lands that may be required.* The agent may require that open space include: (i) areas deemed inappropriate for or prohibited to development including, but not limited to, land in the one-hundred year flood plain and significant drainage swales, land in slopes of twenty-five (25) percent or greater, public utility easements for transmission lines, stormwater management facilities and flood control devices, and lands having permanent or seasonally high water tables; (ii) areas to satisfy section 4.16, and (iii) areas to provide reasonable buffering between dissimilar uses within the development and between the development and adjoining properties.
 2. *Redesign during review.* The agent may require the redesign of a proposed development to accommodate open space areas as may be required under this section 4.7, provided that the redesign shall not reduce the number of dwelling units permitted under the applicable zoning district.
 3. *Limitation on certain elements.* If open space is required by this chapter, not more than eighty (80) percent of the minimum required open space shall consist of the following: (i) land located within the one-hundred year flood plain; (ii) land subject to occasional, common or frequent flooding as defined in Table 16 Soil and Water Features of the United States Department of Agriculture Soil Conservation Service, Soil Survey of Albemarle County, Virginia, August, 1985; (iii) land in slopes of twenty-five (25) percent or greater; and (iv) land devoted to stormwater management facilities or flood control devices, except where the facility or feature is incorporated into a permanent pond, lake or other water feature deemed by the agent to constitute a desirable open space amenity.
- d. *Ownership of open space.* Open space may be privately owned or dedicated to public use. Open space in private ownership shall be subject to a legal instrument ensuring the maintenance and preservation of the open space that is approved by the agent and the county attorney in conjunction with the approval of the

subdivision plat or site plan. Open space dedicated to public use shall be dedicated to the county in the manner provided by law. Open space dedicated to public use shall count toward the minimum required open space.

Article III. District Regulations

Sec. 21.7 Minimum yard requirements

The minimum yard requirements in the commercial districts are as follows:

~~21.7.1a~~ Adjacent to public streets: No portion of any structure, excluding signs, shall be erected closer than thirty (30) feet to any public street right-of-way. No off-street parking or loading space shall be located closer than ten (10) feet to any public street right-of-way. (Amended 7-10-85; 7-8-92)

(12-10-80, § 21.7.1; 7-10-85, 9-9-92; Ord. 01-18(3), 5-9-01)

~~21.7.2b~~ Adjacent to residential and rural areas districts: No portion of any structure, excluding signs, shall be located closer than fifty (50) feet to any residential or rural areas district. No off-street parking or loading space shall be located closer than twenty (20) feet to any residential or rural areas district. (Amended 7-10-85; 7-8-92)

~~21.7.3c~~ Buffer zone adjacent to residential and rural areas districts: No construction activity, including grading or the clearing of vegetation, shall occur closer than twenty (20) feet to any residential or rural areas district. Screening shall be provided as required in section 32.7.9. (Amended 9-9-92)

1. Waiver by the commission. ~~Except,~~ The commission may waive this requirement the prohibition of construction activity, grading or the clearing of vegetation in the buffer in a particular case where it has been the developer or subdivider demonstrateds that grading or clearing is necessary or would result in an improved site design, provided that: a.(i) Mminimum screening requirements are met; and b. (ii) Eexisting landscaping in excess of minimum requirements is substantially restored. (Added 7-10-85)
2. Waiver by the agent. In accordance with the procedures stated in section 2.5 of this chapter, the agent may waive the prohibition of construction activity, grading or the clearing of vegetation in the buffer zone in the following circumstances: (i) adequate landscape screening does not currently exist and the installation of screening which meets or exceeds the requirements of this chapter would result in disturbance to the buffer; (ii) an arborist or landscape architect certifies that trees in the buffer are dying, diseased or will constitute a fall hazard; (iii) the county engineer determines that disturbance of the buffer is necessary in order to address an existing drainage problem; or (iv) disturbance of the buffer will result in improved screening through the use of a berm, a retaining wall or similar physical modification or improvement. In such a case, the developer or subdivider shall illustrate the result of both the existing screening without disturbance of the buffer and the screening that would be provided as a result of the disturbance of the buffer.

Sec. 26.10 Minimum yard requirements

The minimum yard requirements in the industrial districts are as follows:

~~26.10.1a~~ Adjacent to public streets: No portion of any structure, excluding signs, shall be erected closer than fifty (50) feet to any public street right-of-way. No off-street parking or loading space shall be located closer than ten (10) feet to any public street right-of-way. (Amended 7-10-85; 7-8-92)

~~26.10.2b~~ Adjacent to residential or rural areas districts: No portion of any structure, excluding signs, shall be located closer than fifty (50) feet to any ~~rural areas or residential or rural areas~~ district and no off-street parking space shall be closer than thirty (30) feet to any ~~rural areas or residential or rural areas~~ district. ~~For~~ In the heavy industry (HI) district, no portion of any structure, excluding signs, shall be located closer than one hundred (100) feet to any ~~rural areas or residential or rural areas~~ district and no off-street parking shall be closer than thirty (30) feet to any ~~rural areas or residential or rural areas~~ district. (Amended 7- 10-85; 7-8-92)

~~26.10.3c~~ Buffer zone adjacent to residential and rural areas districts: No construction activity including grading or clearing of vegetation shall occur closer than thirty (30) feet to any residential or rural areas district. Screening shall be provided as required in section 32.7.9. (Amended 9-9-92)

- ~~1.~~ Waiver by the commission. ~~Except, t~~ The commission may waive ~~this requirement the prohibition of construction activity, grading or the clearing of vegetation in the buffer~~ in a particular case where ~~it has been the developer or subdivider demonstrateds~~ that grading or clearing is necessary or would result in an improved site design, provided that: ~~a.~~ (i) Minimum screening requirements are met; and b. (ii) Existing landscaping in excess of minimum requirements is substantially restored. (Added 7-10-85)
- ~~2.~~ Waiver by the agent. In accordance with the procedures stated in section 2.5 of this chapter, the agent may waive the prohibition of construction activity, grading or the clearing of vegetation in the buffer zone in the following circumstances: (i) adequate landscape screening does not currently exist and the installation of screening which meets or exceeds ordinance requirements would result in disturbance to the buffer; (ii) an arborist or landscape architect certifies that trees in the buffer are dying, diseased or will constitute a fall hazard; (iii) the county engineer determines that disturbance of the buffer is necessary in order to address an existing drainage problem; or (iv) disturbance of the buffer will result in improved screening through the use of a berm, a retaining wall or similar physical modification or improvement. In such a case, the developer or subdivider shall illustrate the result of both the existing screening without disturbance of the buffer and the screening that would be provided as a result of the disturbance of the buffer.

Article IV. Procedure

Sec. 32.2 When site plan is required; waiver of drawing of site plan

A site plan meeting the requirements of section 32 and all other applicable regulations shall be required as follows:

~~32.2.1a~~ When required. A site plan shall be required for any construction, use, change in use or other development in all zoning districts; provided that no site plan shall be required for the following:

- ~~a1.~~ The construction or location of any single-family detached dwelling ~~which is located upon on a lot whereon are located or proposed to be located an aggregate of~~ on which not more than two (2) or fewer dwellings are located or proposed to be located.
- ~~b2.~~ The construction or location of a two-family dwelling on any lot not occupied by any other dwellings.
- ~~e3.~~ Any ~~accessory~~ structure that is accessory to a single-family detached or two-family dwelling.
- ~~d4.~~ Any agricultural activity except as otherwise provided in section 5.0.

- e5. Any change in or expansion of a use provided that: (1i) ~~such~~ the change or expansion does not ~~occasion~~ require additional parking under ~~the requirements~~ section 4.12 of this chapter; (2ii) no additional ingress/egress or alteration of existing ingress/egress is ~~recommended~~ required by the Virginia Department of Transportation based on the intensification of the use; and (3iii) no additional ingress/egress or the alteration of existing ingress/egress is proposed by the developer. (32.2.1, 1980)

32.2.2b. Waiver of certain details of site plan by the commission. ~~The foregoing notwithstanding, a~~ After providing notice ~~in accordance with~~ as provided by section 32.4.2.5, the commission may waive ~~the drawing of a site plan~~ certain details of a site plan otherwise required by sections 32.5 and 32.6 in a particular case upon a finding that the ~~requirement of such plan details waived~~ would not forward the purposes of this chapter or otherwise serve the public interest; provided that no such waiver shall be made until the commission has considered the recommendation of the agent. The agent may recommend approval, approval with conditions, or denial of ~~such the~~ waiver. ~~In the case of conditional approval~~ If the agent recommends approval of the waiver with conditions, the agent in his recommendation he shall state the relationship of the recommended condition to the provisions of this section. No condition shall be imposed which could not be imposed through the application of the regulations of section 32.0. The waiver shall identify the details otherwise required by sections 32.5 and 32.6 that are waived. (32.2.2, 1980; Amended 5-1-87)

c. Waiver of certain details of site plan by the agent. In accordance with the procedures stated in section 2.5 of this chapter, the agent may waive certain details of a site plan otherwise required by sections 32.5 and 32.6 if: (i) the site review committee finds that all of the details required by sections 32.5 and 32.6 are not necessary for its review of the proposed development; and (ii) the zoning administrator, in consultation with the county engineer and the manager of zoning enforcement, finds that the details waived are not necessary to determine that the site is developed in compliance with this chapter and all other applicable regulations. The waiver shall identify the details otherwise required by sections 32.5 and 32.6 that are waived.

I, Ella W. Jordan, 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	_____	_____
Ms. Mallek	_____	_____
Mr. Rooker	_____	_____
Mr. Slutzky	_____	_____
Ms. Thomas	_____	_____