

ORDINANCE NO. 08-18()

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, 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, and Article III, District Regulations, are hereby amended and reordained as follows:

By Amending:

Sec. 3.1 Definitions

By Adding:

- Sec. 20B.1 Purpose and intent
- Sec. 20B.2 Permitted uses
- Sec. 20B.3 Area and bulk regulations
- Sec. 20B.4 Parking
- Sec. 20B.5 Landscaping
- Sec. 20B.6 Outdoor lighting
- Sec. 20B.7 Sidewalks and street trees

Chapter 18. Zoning

Article I. General Provisions

Sec. 3.1 Definitions

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Cultural arts center: An establishment for the presentation of art, scientific, cultural or historical materials, music, or live theatrical or musical productions, and which may include but are not limited to museums, noncommercial art galleries, arboreta, aquariums, botanical or zoological gardens, auditoriums, and music conservatories.

...

Outdoor performance area: A place of open-air (outdoor) assembly, consisting of a central space or stage for performances, which may be open to the sky or partially covered or enclosed.

...

Research and development: A facility primarily used for the administration and conduct of investigation, examination, prototype production, experimentation, testing, and/or training aimed at the discovery and interpretation of facts, theories, and/or the practical application of the above to products or processes.

...

Stepback: A building setback of a specified distance that occurs at a prescribed number of stories or feet above the ground.

...

Story: That portion of a building, ~~other than the basement~~ having more than one-half (1/2) of its height above grade, included between the surface of any floor and the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it.

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Article III. District Regulations

Section 20B Downtown Crozet District – DCD

Sec. 20B.1 Purpose and intent

The purpose of the Downtown Crozet District (hereinafter referred to as the “DCD”) is to establish a district in which traditional downtown development, as described for the CT6 Urban Core and CT5 Urban Center transects in the Crozet master plan, will occur.

To these ends, the DCD provides for flexibility and variety of development for retail, service, and civic uses with light industrial and residential uses as secondary uses. The regulations for the DCD are intended to promote a development form and character that is different from typical suburban development allowed by conventional zoning, and are also intended to: (i) promote the economic and social vitality of downtown Crozet; (ii) implement the Crozet master plan for the downtown area of Crozet so that it may serve as the commercial hub of Crozet and its environs; (iii) provide a greater mix of uses in downtown Crozet, including increased employment; (iv) facilitate infill and redevelopment; (v) increase the utility of the land ; (vi) retain the uniquely diverse character of Crozet; and (vii) promote a pedestrian-friendly environment.

These regulations are intended to provide maximum flexibility in establishing uses and structures in order to implement the relevant policies of the Crozet master plan. Accordingly, although the DCD permits uses that are commercial and light industrial in character, neither sections 21 nor 26 of this chapter apply to the DCD.

Sec. 20B.2 Permitted uses

The following uses shall be permitted in the DCD, subject to the regulations in this section:

- A. *By right uses; retail and service.* The following retail and service uses are permitted by right:
1. *Antique, gift, jewelry, notion and craft shops.*
 2. *Automobile, truck repair shops excluding body shops.*
 3. *Barber, beauty shops.*
 4. *Clothing, apparel and shoe shops.*
 5. *Commercial recreation establishments including, but not limited to, amusement centers, bowling alleys, pool halls and dance halls.*
 6. *Convalescent homes (reference 5.1.13).*
 7. *Convenience stores.*
 8. *Department stores.*
 9. *Drug stores, pharmacies.*

10. Factory outlet stores, clothing and fabric.
11. Farmers' markets (reference 5.1.36).
12. Feed and seed stores (reference 5.1.22).
13. Financial institutions.
14. Fire extinguisher and security products sales and service.
15. Florists.
16. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
17. Funeral homes.
18. Furniture and home appliances sales and service.
19. Hardware stores.
20. Health spas.
21. Hotels, motels and inns.
22. Indoor athletic facilities.
23. Laboratories, medical or pharmaceutical.
24. Laundries, dry cleaners.
25. Musical instrument sales and repair.
26. New automotive parts sales
27. Newspaper publishing.
28. Newsstands, magazines, pipe and tobacco shops.
29. Nursing homes (reference 5.1.13).
30. Office and business machines sales and service.
31. Optical goods sales and service.
32. Photographic goods sales and service.
33. Research and development activities, including experimental testing, subject to the performance standards stated in section 4.14 of this chapter.
34. Restaurants.
35. Retail nurseries and greenhouses.

36. Service stations.
37. Sporting goods sales.
38. Tailors and seamstresses.
39. Temporary construction uses (reference 5.1.11).
40. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
41. Tourist lodging.
42. Visual and audio appliances.

B. *By right uses; office.* The following office uses are permitted by right:

1. Medical centers.
2. Offices.
3. Temporary construction uses (reference 5.1.11).

C. *By right uses; public and civic.* The following public and civic uses are permitted by right:

1. Churches.
2. Clubs, lodges, civic, fraternal, patriotic (reference 5.1.02).
3. Conference centers, outdoor auditoriums, public art or kiosks.
4. Cultural arts centers.
5. Day care centers (reference 5.1.06).
6. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 16 of the Code of Albemarle and all other applicable law.
7. Fire and rescue squad stations (reference 5.1.09).
8. Libraries.
9. Outdoor performance areas.
10. Parking structures and stand alone parking structures (reference 4.12 and 5.1.41).
11. Private schools.

12. Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 31.2.5); public water and sewer transmission main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 31.2.5, 5.1.12).
13. Temporary construction uses (reference 5.1.11).
14. Theaters, live and movie, including multi-screen movie theaters.

D. *By right uses; residential.* The following residential uses are permitted by right, provided that the first floor of the building in which the residential use exists is designed for and occupied only by a use permitted by subsections 20B.2(A), (B), (C) or (E):

1. Apartments, either as a single-family dwelling or as a multiple-family dwelling.
2. Attached single-family dwellings such as townhouses.
3. Boarding houses.
4. Condominiums.
5. Group homes (reference 5.1.07).
6. Tourist lodging within detached single-family dwellings existing on June 4, 2008.
7. Dwellings occupied by the owner or employees of a permitted commercial use, and their families (reference 5.1.21).

E. *By special use permit.* The following uses are permitted by special use permit:

1. Body shops (reference 5.1.31).
2. Buildings more than fifty (50) feet or four stories in height, up to seventy (70) feet or six (6) stories in height, provided the increased height allows the provision of a demonstrated public benefit, such as providing affordable housing or parking.
3. Buildings one story in height.
4. Car washes.
5. Compounding of drugs, including biological products, medical and chemical as well as pharmaceutical.
6. Detached single-family dwelling, provided that there is no other use permitted by subsections 20B.2(A), (B), (C) or (E) on the same lot.
7. Drive-in windows.
8. Electrical power substations, transmission lines and related towers; gas or oil transmission lines, pumping stations and appurtenances; unmanned telephone exchange centers; micro-wave and radio-wave transmission and relay towers, substations and appurtenances (reference 5.1.12).

9. Hospitals.

10. Manufacturing, processing, fabricating, assembling, and distributing products including, but not limited to:

-Artists' supplies and equipment.

-Business, office machines and equipment.

-Cosmetics, including perfumes, perfumed toiletries and perfumed toilet soap.

-Drafting supplies and equipment.

-Electrical lighting and wiring equipment.

-Electrical and electronic equipment and components including radio, telephone, computer, communication equipment, TV receiving sets, phonographs.

-Food products, such as bakery goods, dairy products, candy, beverages, including bottling plants.

-Gifts, novelties including pottery, figurines and similar ceramic products.

-Glass products made of purchased glass.

-Industrial controls.

-Jewelry, silverware.

-Light machinery and machine parts, including electrical household appliances but not including such things as clothes washers, dryers and refrigerators.

-Musical instruments.

-Paper products such as die-cut paperboard and cardboard, sanitary paper products, bags and containers.

-Photographic equipment and supplies including processing and developing plant.

-Rubber, metal stamps.

-Small electrical parts such as coils, condensers, transformers, crystal holders.

-Surgical, medical and dental instruments and supplies.

-Toys, sporting and athletic equipment, except firearms, ammunition or fireworks.

-Watches, clocks and similar timing devices.

-Wood cabinets and furniture, upholstery.

11. Publishing, printing, lithography and engraving, including but not limited to newspapers, periodicals and books.

- 12. Preparation of printing plates including typesetting, etching and engraving.
- 13. Stand-alone parking (reference 4.12)
- 14. Storage yards.
- 15. Tier III personal wireless service facilities (reference 5.1.40).
- 16. Towing and storage of motor vehicles (reference 5.1.32).
- 17. Veterinary offices and animal hospitals.

F. Accessory uses and structures. Accessory uses and structures are permitted, including but not limited to: (i) home occupations, Class A and Class B (reference 5.2) for primary residential uses; (ii) storage buildings for primary residential and non-residential uses; (iii) outdoor performance areas for primary cultural arts center uses; and (iv) prototype manufacturing for research and development uses.

Sec. 20B.3 Area and bulk regulations

Area and bulk regulations within the DCD are as follows:

A. Area and bulk regulations, generally. Any buildings, structures and improvements established on and after [insert date of adoption of these regulations] and to which subsection 20B.3(B) does not apply, shall be subject to the following area and bulk regulations and subsections 20B.3(C), (D) and (E):

<u>Building Setbacks (See Figure 1)</u> <u>Front-Minimum</u> <u>Front-Maximum</u> <u>Front-Maximum with administrative waiver (See section 20B.3(G))</u> <u>Side-Minimum except from accessway or alley</u> <u>Side-Minimum from accessway or alley</u> <u>Side-Maximum (See Figure 2)</u> <u>Rear (Minimum)</u>	<u>1 foot</u> <u>10 feet</u> <u>15 feet</u> <u>0 feet</u> <u>3 feet; except within a building façade break, 1 foot</u> <u>20 feet</u> <u>0 feet</u>
<u>Parking Setbacks</u> <u>Front-Minimum-As a primary use (stand alone parking)</u> <u>Front-Minimum-As an accessory use</u> <u>Side-Minimum-As a primary use (stand alone parking)</u> <u>Side-Minimum-As an accessory use</u> <u>Rear (Minimum)</u>	<u>Maximum front building setback (10 or 15 feet)</u> <u>No closer to the right-of-way than any existing or proposed primary structure on the lot. Parking areas shall be located to the rear and/or side of the primary structures, as viewed from the right-of-way to which the lot abuts. On corner lots, the parking areas shall be located to the side or rear of the primary structure, and not between the structure and any rights-of-way that intersect at the corner.</u> <u>0 feet</u> <u>3 feet</u> <u>0 feet</u>
<u>Stepbacks (See Figure 4)</u> <u>Front-Minimum</u>	<u>Floors above 40 feet or the third story shall be stepped back a minimum of 15 feet</u>

<u>Building façade breaks (See Figure 3)</u> <u>Front</u>	<u>Every 200 linear feet (See section 20B.3(D))</u>
<u>Lot size</u> <u>Minimum</u>	<u>1500 square feet</u>
<u>Density</u> <u>Residential-Maximum</u>	<u>36 dwelling units per acre</u>
<u>Frontage</u> <u>Minimum</u>	<u>None</u>
<u>Building Height (See Figure 4)</u> <u>Minimum height-by right</u> <u>Minimum height-by special use permit</u> <u>Maximum height –by right</u> <u>Maximum height-by special use permit</u>	<u>30 feet or 2 stories</u> <u>1 story</u> <u>50 feet or 4 stories</u> <u>70 feet or 6 stories</u>

B. *Area and bulk regulations, pre-existing buildings, structures and improvements.* Notwithstanding subsections 6.3(A)(1) and (3), and subsection 20B.3(A) of this chapter, any building or structure established before, and existing on, [insert date of ordinance], may be extended or enlarged without complying with the maximum front and maximum side yard setbacks and the minimum front yard setback for parking as an accessory use.

C. *Minimum standards for a building façade break.* Each building façade break shall provide either pedestrian access or motor vehicle and pedestrian access to the side and/or rear of the building on the same lot. A building façade break providing only pedestrian access shall be a sidewalk having a minimum width of five (5) feet. A building façade break providing both motor vehicle and pedestrian access shall have a travelway at least twelve (12) feet in width and a sidewalk on at least one side having a minimum width of five (5) feet. The travelway and the sidewalk shall be designed and constructed to the applicable standards in the design standards manual.

D. *Building entrances.* Each building shall have a primary entrance from either the front or side of the building. A building also may have secondary entrances on the side or rear of the building. Doors on side entrances shall face the front of the building.

E. *Stories.* For the purposes of this section 20B, each story shall be visibly discernible from the street and be composed of habitable space and/or occupiable space, as defined by the Virginia Uniform Statewide Building Code. Visibly discernible stories shall be achieved through the use of windows and building entries on each story, using varied building materials, special ground-floor design treatments, and other façade elements or other architectural details. In accordance with the procedures stated in section 2.5 of this chapter, the director of planning may waive the requirement that windows, building entries or other façade elements be used to make each story visibly discernible if the applicant demonstrates to the satisfaction of the director that the use of other architectural details would render the stories visibly discernible to an equivalent degree.

F. *No structures within easements within setbacks.* No structures shall be established within easements located within setbacks.

G. *Front building setback; administrative waiver.* In accordance with the procedures stated in section 2.5 of this chapter, the agent may waive the ten (10) foot front building setback and allow the front building setback to be increased to up to fifteen (15) feet in the following circumstances: (i) to allow outdoor café seating; (ii) to accommodate public spaces and plazas; and (iii) where the topography makes the ten (10) foot front building setback impracticable.

H. *Waiver to allow alternative location of parking area.* The parking area setback requirements in subsection 20B.3(A) may be waived as follows:

1. *Consideration by commission.* The commission may waive the parking area setback requirements in subsection 20B.3(A) and allow a parking area to be located between a street and a primary structure, subject to reasonable conditions that it may impose, upon a finding that:

a. *There are unusual physical conditions on the lot or an adjoining lot including, but not limited to, the location of existing structures and parking areas, steep topography or other environmental features, narrowness or shallowness or the size or shape of the lot that make it impossible or unfeasible to provide parking to the side or rear of a primary structure;*

b. *The potential safety of patrons and employees cannot be achieved with adequate lighting and other reasonable design solutions; or*

c. *The strict application of the applicable regulations in subsection 20B.3(A) would not further the purposes of this chapter or otherwise serve the public health, safety, or welfare or achieve the goals established in the comprehensive plan.*

2. *Consideration by the board of supervisors.* The board of supervisors may consider a request under this subsection only as follows:

a. *The denial of the request, or the approval of the request with conditions objectionable to the developer may be appealed to the board of supervisors as an appeal of a denial of the site plan, as provided in sections 32.4.2.7 or 32.4.3.9 of this chapter. A request 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 request, the board may grant or deny the request based upon the findings set forth in subsection 20B.3(H)(1), amend any condition imposed by the commission, and impose any conditions it deems necessary for the reasons set forth in subsection 20B.3(H)(1).*

Sec. 20B.4 Parking

The parking, stacking and loading requirements stated in section 4.12 of this chapter shall apply in the DCD, subject also to the following:

A. *No maximum number of spaces.* Notwithstanding section 4.12.4(a), there shall be no limitation on the maximum number of parking spaces that may be provided.

B. *Minimum number of parking spaces.* Notwithstanding sections 4.12.6 and 4.12.7, except when shared parking is approved as provided in subsection 20B.4(C) below, the following schedule shall apply to determine the minimum number of off-street parking spaces required to be provided:

1. *Residential uses:* One (1) space for each dwelling unit having one (1) bedroom; two (2) spaces for each dwelling unit having two (2) or more bedrooms.

2. *Non-residential uses:* For all non-residential uses other than convalescent homes and nursing homes, one (1) space per one thousand (1,000) square feet of net floor area. For convalescent homes and nursing homes, one (1) space per each five (5) bedrooms plus one (1) space per employee per shift, or as otherwise provided in a parking study submitted by the applicant and reviewed and approved by the zoning administrator. For the purposes of this subsection, "net floor area" shall be deemed to be: (a) eighty (80) percent of the gross floor area; or (b) at the request of the applicant, the actual floor area as shown on floor plans submitted by the applicant, delineating the actual net floor area, which plans shall be binding as to the maximum net floor area used.

3. *Non-residential uses; bicycle parking spaces:* For non-residential uses, one (1) bicycle parking space per ten (10) automobile parking spaces required.

C. *Shared parking.* Notwithstanding section 4.12.10(d), the aggregate number of parking spaces required for all uses participating in the shared parking shall not be reduced by more than seventy-five (75) percent. Within the DCD, the term “nearby lot” as used in section 4.12.10 means a lot within the DCD or a lot within one-quarter (1/4) mile of the lot with which parking will be shared.

D. *Screening from public streets.* Each parking area having more than five (5) spaces that abuts or is visible from one or more public streets shall be screened from the streets with continuous evergreen shrubs or opaque walls comprised of materials such as, but not limited to, masonry or board, at a height not to exceed four (4) feet, or by a combination of evergreen shrubs and opaque walls. Opaque walls shall be augmented with landscape vegetation such as shrubbery, trees, or other vegetation approved by the agent. If evergreen shrubs are used as the screen, the shrubs shall measure at least twenty-four (24) inches in height at the time of planting, and at maturity shall be three (3) to five (5) feet in height. Evergreen shrubs shall be planted between three (3) and five (5) feet on-center, depending upon the species selected. See Figure 5.

E. *Landscaping.* The requirements of subsection 32.7.9.7(a) and (b) of this chapter shall apply only to parking areas having more than twenty-five (25) spaces. Subsection 32.7.9.7(c) of this chapter shall not apply to parking areas within the DCD. See Figure 6.

Sec. 20B.5 Landscaping

For each development requiring approval of a site plan under section 32 of this chapter, the landscaping requirements in the DCD shall be as follows:

A. *Screening.* Notwithstanding subsections 32.7.9.8(a) and 32.7.9.8(c)(1) of this chapter, the rear of each lot shall be screened from any abutting lot containing single-family detached or attached dwelling units, or any abutting lot in a residential or the rural areas zoning district. See Figures 7 and 8. The required screening shall consist of vegetative screening, an opaque wall or fence, or alternative vegetative screening, as provided below, to the reasonable satisfaction of the agent:

1. *Vegetative screening.* If only vegetative screening is provided, the screening strip shall be at least twenty (20) feet in depth. Vegetative screening shall consist of a double staggered row of evergreen trees planted fifteen (15) feet on center, or a double staggered row of evergreen shrubs planted ten (10) feet on center.

2. *Opaque wall or fence.* If an opaque wall or fence is provided, it shall be a minimum of four (4) feet in height and plantings may be required by the agent at intervals along the fence or wall.

3. *Alternative vegetative screening.* The agent may approve alternative methods of vegetative screening that better meet the intent to screen commercial uses from residential uses and districts. In approving alternative vegetative screening, the agent shall make the approval in writing and state the reason for approving the alternative.

B. *Tree canopy.* Subsection 32.7.9.9 of this chapter shall not apply within the DCD.

Sec. 20B.6 Outdoor lighting

Notwithstanding subsection 4.17.4(b)(1) of this chapter, the spillover of lighting from first-story luminaries from non-residential uses in the DCD onto public streets and onto other non-residential uses is permitted, provided that the Virginia Department of Transportation approves the spillover of light onto public street rights-of-way.

Sec. 20B.7 Sidewalks and street trees

For each development requiring approval of a site plan under section 32 of this chapter, sidewalks and street trees in the DCD shall be provided as follows:

A. *Sidewalk design.* Each sidewalk proposed to be accepted for maintenance by the Virginia Department of Transportation shall be designed and constructed according to Virginia Department of Transportation standards or to the standards in the design standards manual, whichever is greater. Each sidewalk proposed to be privately maintained shall be constructed using concrete, designed so that no concentrated water flow runs over them, and otherwise satisfy the standards in the design standards manual. Each sidewalk on Crozet Avenue, Three Notch'd Road and the street identified in the Crozet master plan as the new Main Street shall be at least ten (10) feet wide. All other sidewalks shall be at least eight (8) feet wide. See Figure 9.

B. *Sidewalk ownership.* Each sidewalk, including street trees, proposed to be accepted for maintenance by the Virginia Department of Transportation, shall be dedicated to public use. Each sidewalk, including street trees, proposed to be privately maintained, shall be conveyed to an owners association for ownership and maintenance. The agent may require that a sidewalk proposed by the developer to be privately maintained instead be dedicated to public use if the agent determines that the sidewalk serves a public purpose and there is a need for the sidewalks to be publicly owned and maintained.

C. *Street trees.* Notwithstanding section 32.7.9.6 of this chapter, street trees shall be planted within grates on each sidewalk or in a planting strip abutting the sidewalk, spaced at a minimum of twenty-five (25) and a maximum of forty (40) feet on center and the distance of each tree from the edge of the sidewalk shall be approved by the agent. Street trees shall be selected from a current list of recommended large shade trees, subject to the approval of the agent when site conditions warrant medium shade trees. See Figure 9.

D. *Waivers from sidewalk requirements.* In accordance with the procedures stated in section 2.5 of this chapter, the agent may waive the requirements for a sidewalk and/or street trees where the developer demonstrates that: (i) the Virginia Department of Transportation prohibits establishing sidewalks and/or planting street trees; or (ii) existing utility easements prohibit establishing sidewalks and/or planting street trees.

Figures

Figures 1 through 9 are for illustration purposes only. If there is a conflict or inconsistency between a regulation in section 20B to which a Figure pertains and the Figure itself, the regulation is controlling. In addition, Figures 1 through 9 merely illustrate specific requirements and do not show all applicable requirements of section 20B.

Figure 1: Front setbacks

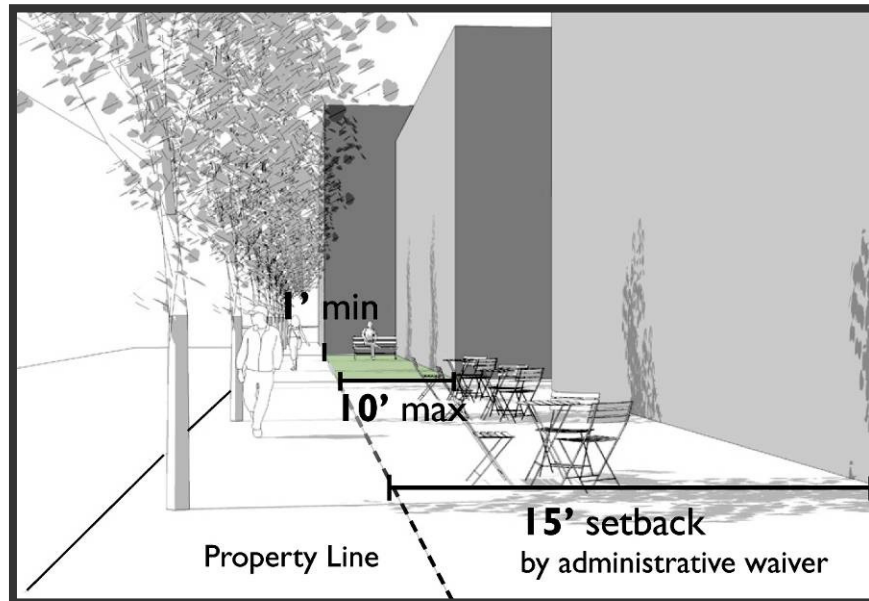


Figure 2: Side setbacks

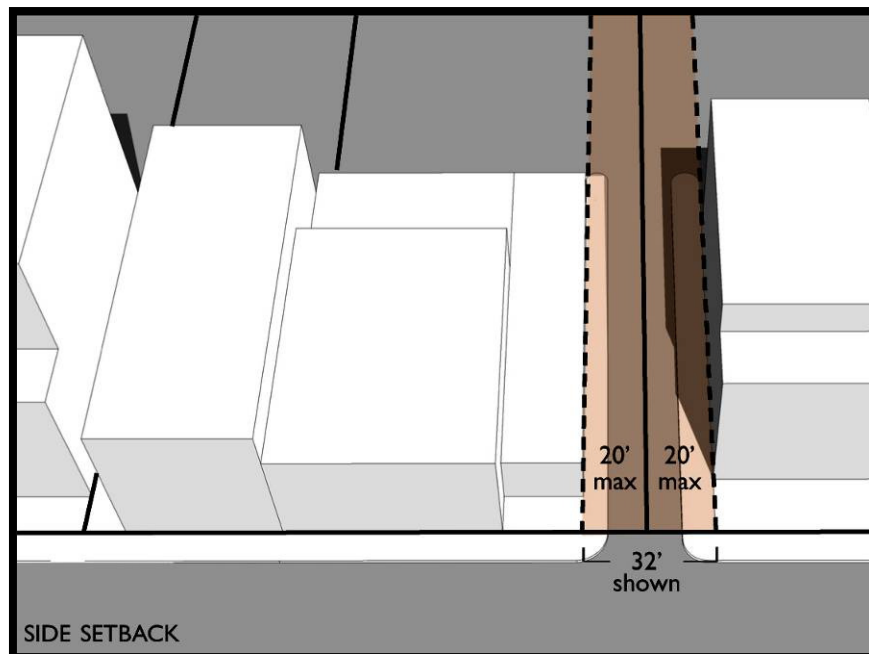


Figure 3: Building façade breaks

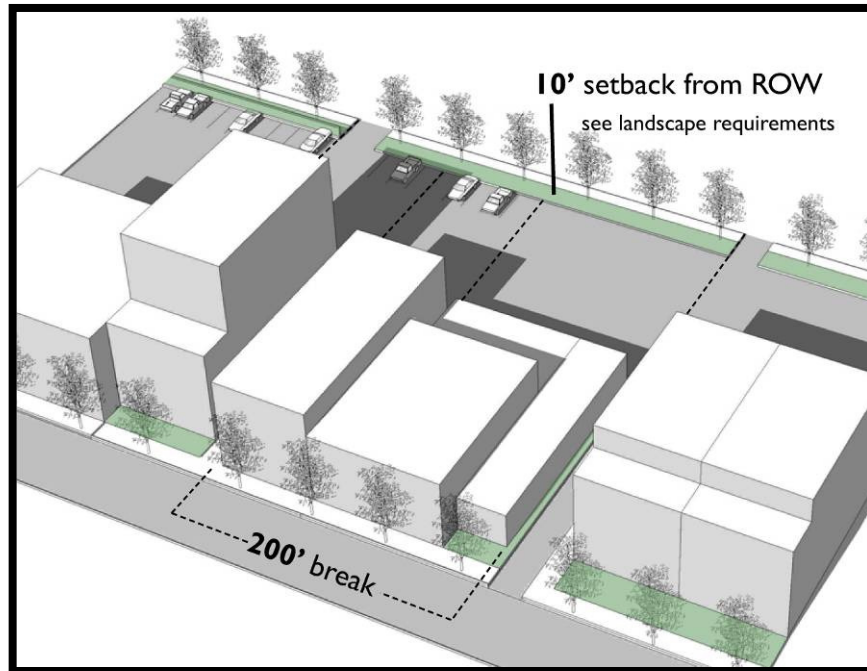


Figure 4: Stepbacks and building height

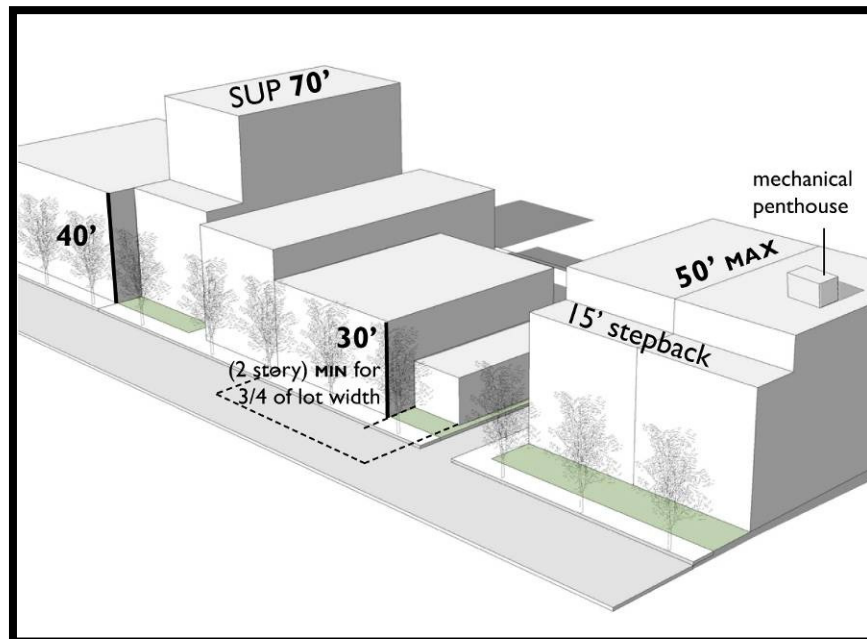


Figure 5: Parking areas; screening from public streets



Figure 6: Parking areas; landscaping

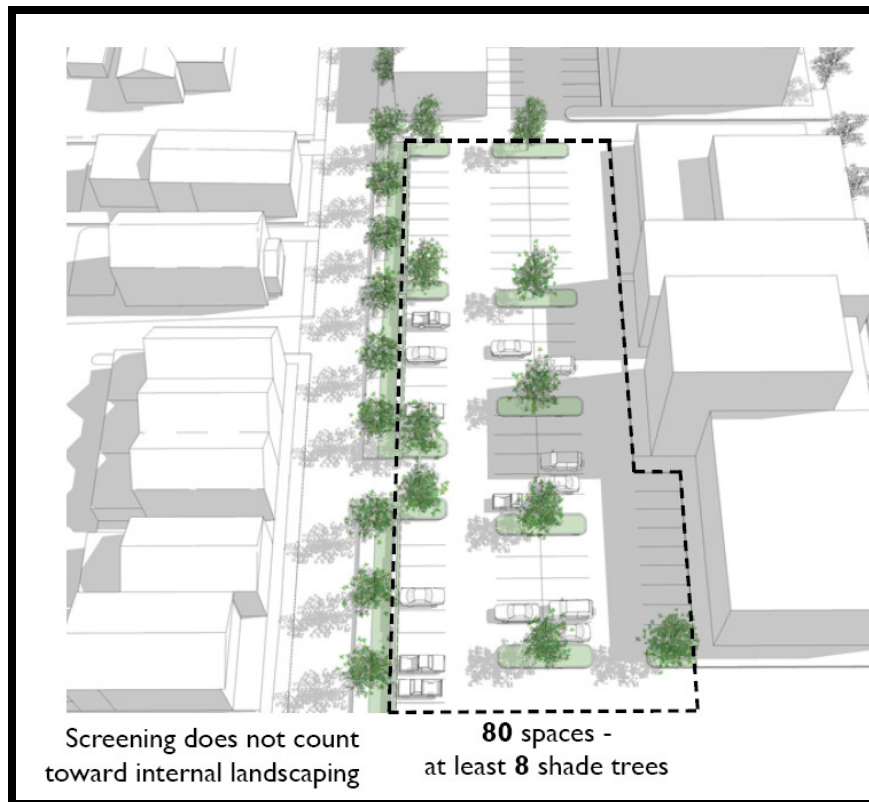


Figure 7: Screening requirements

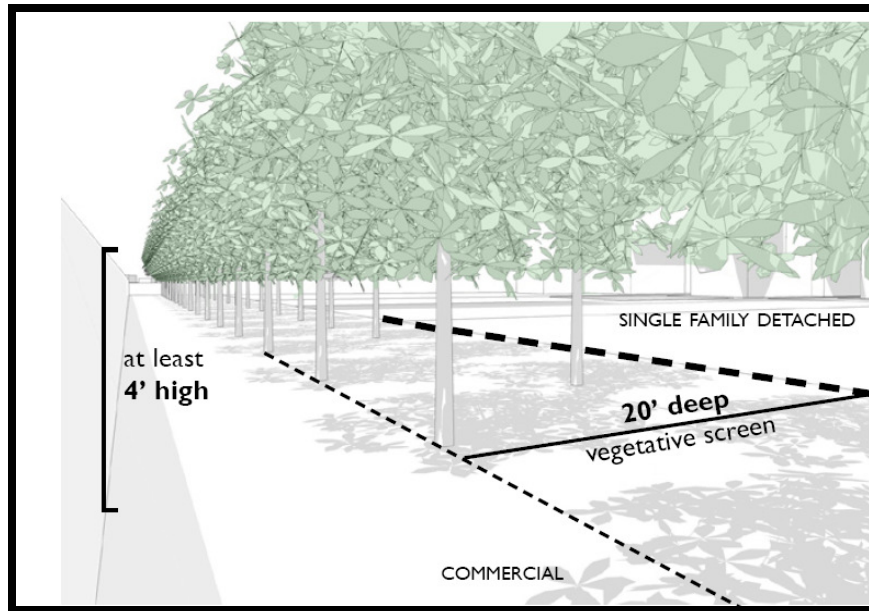


Figure 8: Screening requirements

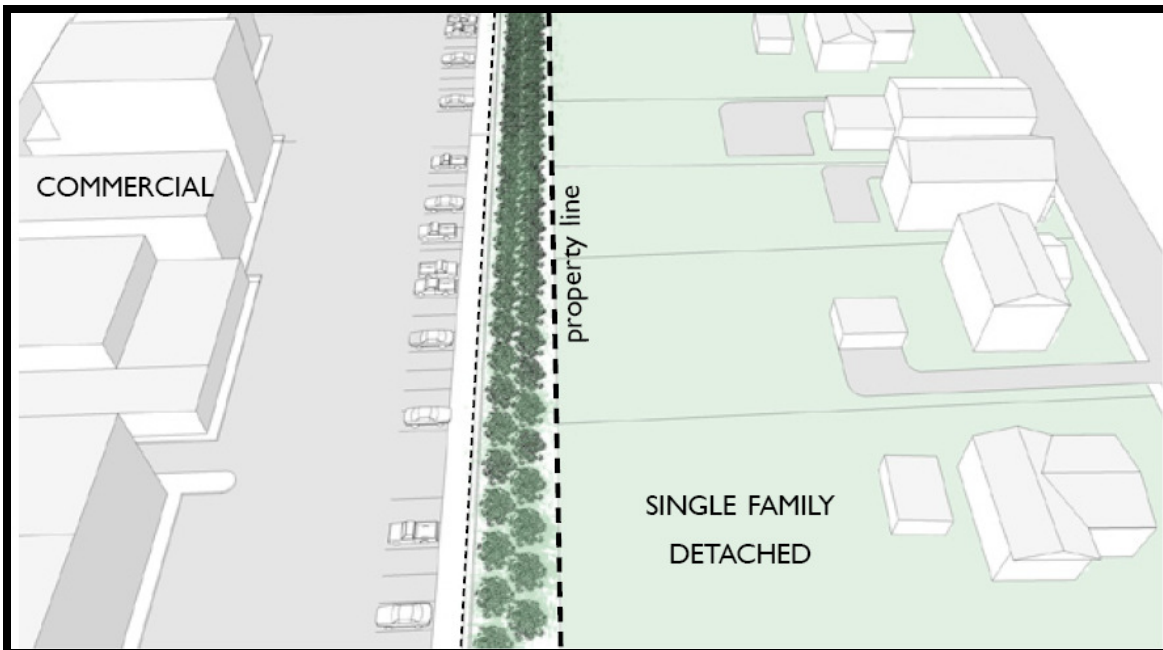
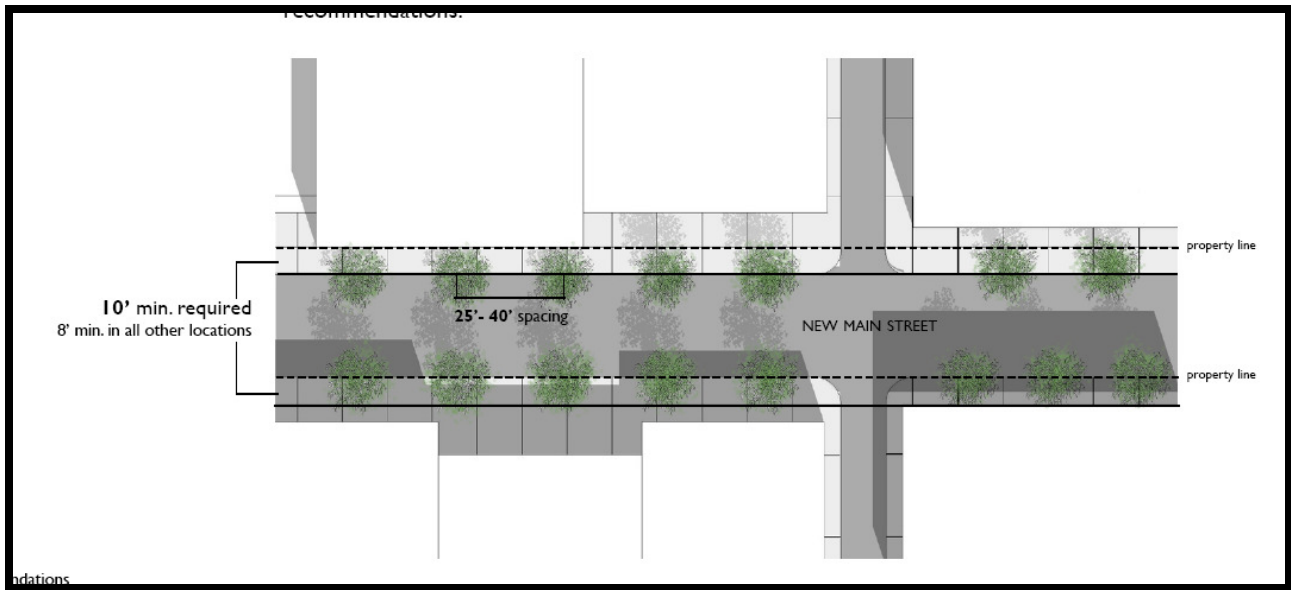


Figure 9: Sidewalks and street trees



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	_____	_____