

COUNTY OF ALBEMARLE



MEMORANDUM

TO: Albemarle County Board of Supervisors

FROM: Larry W. Davis, County Attorney
Greg Kamptner, Deputy County Attorney

DATE: June 9, 2008

RE: *Summary of changes to the Downtown Crozet District regulations*

Following is a summary of the substantive changes made to the Downtown Crozet District regulations following the joint public hearing on June 4, 2008.

Sec. 20B.1: The second paragraph was revised to add the promotion of economic and social *diversity* as a stated intention of the district.

Sec. 20B.2: No changes.

Sec. 20B.3(A): The May 29, 2008 draft of the ordinance allowed the front yard setback (and corresponding front parking area setback) to be modified from 10 to up to 15 feet. To increase flexibility, this subsection was revised to allow the front yard setback (and corresponding front parking area setback) to be modified from 10 to up to 20 feet in 6 specific circumstances listed in subsection 20B.3(H), and to allow administrative waivers from the side yard parking area setback and the 200-foot building façade break. The building façade break regulations were also revised to clarify that the building façade break must occur *at least* every 200 feet, unless the director grants a waiver.

Sec. 20B.3(B): The date of adoption of the ordinance was added.

Sec. 20B.3(C): This subsection was added to authorize the director of planning to determine which side of a corner lot is the front for the purposes of determining applicable setbacks, and to determine which other sides are sides or the rear of the lot. This issue was not discussed at the joint public hearing.

Sec. 20B.3(D): At the May 29, 2008 joint public hearing, there was concern that a building façade break would not necessarily require complete building separation. To assure that adequate light and air is provided, this subsection was revised to require that buildings separated by a building façade break be complete structural breaks, and that the minimum separation be the width of the pedestrian access or motor vehicle and pedestrian access at all points above the ground.

Sec. 20B.3(E): This subsection was revised to clarify that only those buildings abutting a street must have their primary entrance from the front or side of the building, and that only those side

entrances serving as the primary entrance are required to have their doors face the front of the building.

Sec. 20B.3(F): This subsection was revised to provide that an owner can satisfy the requirement that a building have visibly discernible stories by one or more of the methods listed, instead of by employing all of the methods listed.

Sec. 20B.3(G): No changes.

Sec. 20B.3(H): This subsection was revised to delineate the six circumstances when maximum building and parking setbacks can be modified or waived, and when the minimum building façade break can be waived. The May 29, 2008 draft ordinance provided only three circumstances.

Sec. 20B.3(I): Various subsections of the May 29, 2008 draft ordinance cross-referenced section 2.5 of the Zoning Ordinance for the procedure to administratively waive or modify certain requirements of this ordinance. Proposed section 2.5 is part of the pending administrative waivers zoning text amendment which has not yet been considered by the planning commission at a public hearing. To assure that an appropriate procedure for modifications and waivers is provided for this district, this subsection establishes a procedure for administrative modifications and waivers to be reviewed and acted upon by the director of planning or the agent, as specified, with the applicant having a right of appeal if the waiver is denied or is approved with objectionable conditions. If review of a subdivision plat or site plan by the commission is requested, the director or the agent may defer acting on the modification or waiver request and allow the commission to consider the request as part of its consideration of the plat or plan.

Sec. 20B.3(J): This subsection was revised so that, where appropriate, its language matches the language in subsection 20B.3(I).

Sec. 20B.4: Subsection (D) was revised to provide that parking areas that do not abut a public street but are visible from the public street are required to provide screening only if they are visible from the street in front of the lot on which they are located. This change was suggested so that screening would not be required where the parking area was visible from the street, but only from a vantage point somewhere up or down the street and, consequently, at a greater distance.

Sec. 20B.5: Subsection (A)(2) was revised to increase the minimum height for an opaque wall or fence providing screening from adjoining residential uses or districts from 4 feet to 6 feet.

Sec. 20B.6: No changes

Sec. 20B.7: Subsection (B) was revised to clarify that, in addition to an owners' association, an individual owner could be responsible for maintaining sidewalks and street trees. Subsection (D) was revised to cross-reference section 20B.3(I) for the applicable waiver procedure.

Figs. 1 and 7: These figures were revised to incorporate substantive changes regarding the maximum building setbacks allowed with a modification (Figure 1) and the minimum height of an opaque wall or fence providing screening of the use from an adjoining residential use or a residential or rural zoning district (Figure 7).

Cc: Albemarle County Planning Commission