

ORDINANCE NO. 16-18()

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, AND ARTICLE II, BASIC 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 Provisions, and Article II, Basic Regulations, are hereby amended and reordained as follows:

By Amending:

- Sec. 3.1 Definitions
 Sec. 4.19 Setbacks and setbacks in residential districts
 Sec. 4.20 Setbacks and setbacks in conventional commercial and industrial districts

Chapter 18. Zoning**Article I. General Provisions****Sec. 3.1 Definitions**

Infill: As used in section 4.19, when forty percent (40%) or more, in the aggregate, of the residentially zoned lots fronting on a street are developed within five hundred (500) feet in both directions of the subject lot having less than one hundred twenty (120) feet of frontage on the same street at the time that it is developed, and development of the subject lot begins more than five (5) years after the date: (i) the final subdivision plat that created the lot was recorded in the clerk's office of the circuit court of the county; or (ii) the final site plan depicting the development of the lot was approved by the county. (Added 6-3-15)

Article II. Basic Regulations**Sec. 4.19 Setbacks and setbacks in residential districts**

The following shall apply within the R-1, R-2, R-4, R-6, R-10, ~~and R-15~~, PRD, and PUD districts:

Infill: Setbacks	
Front-Minimum	Closest setback of an existing structure within 500 feet in each direction along street fronted
Front-Maximum	None
Garage-Minimum	Front loading garage: 18 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way Side loading garage: Closest setback of an existing structure within 500 feet in each direction along street fronted
Garage-Maximum	None
Side-Minimum	10 feet, unless the building shares a common wall; provided that in the R-10 and R-15 districts if the abutting lot is zoned residential other than R-10 and R-15, Rural Areas, or the Monticello Historic district, any dwelling unit that exceeds 35 feet in height shall be set back 10 feet plus one foot for each foot the dwelling unit exceeds 35 feet in height

Side-Maximum	None
Rear-Minimum	20 feet
Rear- Maximum	None
Infill: Stepbacks	Floors above 40 feet or the third story, whichever is less, shall be stepped back a minimum of 15 feet
Front	None
Side and Rear	
Non-Infill: Setbacks	
Front-Minimum	5 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way
Front-Maximum	In the R-1 and R-2 districts: None In the R-4, R-6, R-10, and R-15 districts: 25 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way; none, on any lot, <u>including a corner lot</u> , abutting a principal arterial highway
Garage-Minimum	Front loading garage: 18 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way Side loading garage: 5 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way
Garage-Maximum	None
Side-Minimum	None; see Non-Infill Building Separation
Side-Maximum	None
Rear-Minimum	20 feet
Rear- Maximum	None
Non-Infill: Building Separation	
Minimum	10 feet, unless the building shares a common wall; provided that in the R-10 and R-15 districts if the abutting lot is zoned residential other than R-10 and R-15, rural areas, or the Monticello Historic district, any building that exceeds 35 feet in height shall be separated from any other building by 10 feet plus one foot for each foot the building exceeds 35 feet in height
Side-Maximum	None
Non-Infill: Stepbacks	
Front	Floors above 40 feet or the third story, whichever is less, shall be stepped back a minimum of 15 feet
Side and Rear	None

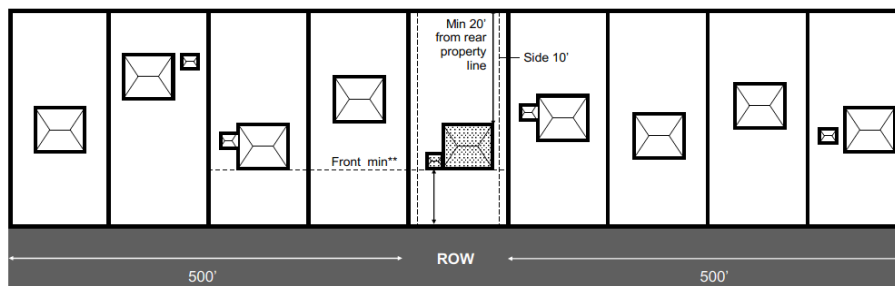
1. Whether a site is an infill or non-infill development, and the minimum and maximum setback, shall be determined by the zoning administrator as an official determination provided to the owner.
2. Any minimum setback and any minimum building separation for a side yard, may be reduced by special exception.
3. The maximum front setback for a non-infill development shall be increased to the depth necessary to avoid existing utilities, significant existing vegetation steep slopes, perennial and intermittent streams, stream buffers, public spaces and public plazas shown as such on an approved site plan or subdivision plat, to satisfy a condition of a certificate of appropriateness, and in circumstances where there are multiple dwellings on the same lot and prevailing development patterns.
4. The maximum front setback for a non-infill development may be increased by special exception to accommodate low impact design, unique parking or circulation plans, or a unique target market design.
5. The minimum 15 foot stepback may be reduced by special exception.
6. Notwithstanding section 4.6.3, the front setbacks in the districts subject to this section shall be measured from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way.
7. On any site subject to proffered conditions accepted in conjunction with a zoning map amendment establishing minimum or maximum setbacks or stepbacks, the proffered setbacks or stepbacks shall apply.

Figures

Figures 1 through 4 are for illustration purposes only. If there is a conflict or inconsistency between a regulation in section 4.19 to which a Figure pertains and the Figure itself, the regulation is controlling. In addition, Figures 1 through 4 merely illustrate specific requirements and do not show all applicable requirements of the applicable district regulations.

Figure 1

Conventional Residential Districts, Infill* Example

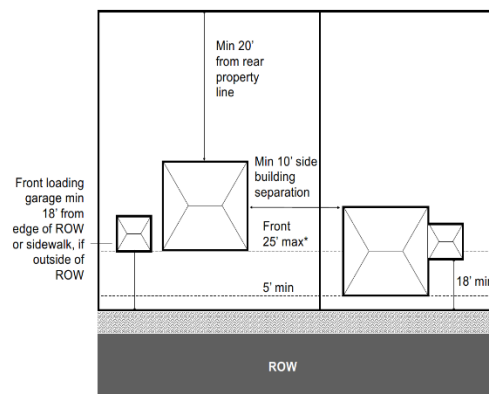


* Infill $\geq 40\%$ of residentially zoned frontage developed within 500' of subject lot (frontage $\leq 120'$)

** Front loading garage min 18' from edge of ROW or sidewalk, if outside of ROW

Figure 2

Conventional Residential Districts (except R-1 and R-2), Non-Infill



* No maximum front setback in R1 & R2 districts & along principal arterials

Figure 3

**Conventional Residential Districts
Front Stepback (side view)**

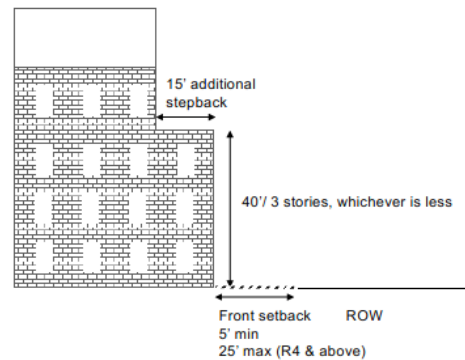
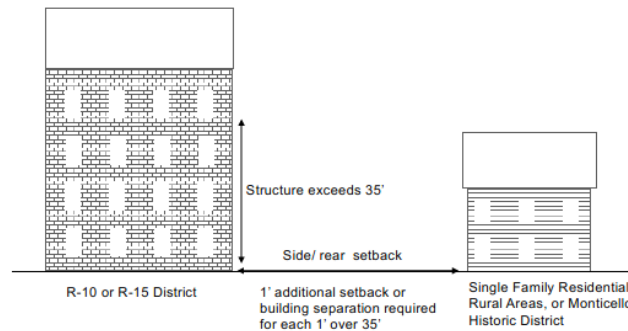


Figure 4

**Conventional Residential Districts (R-10 or R-15 only)
Abutting Single Family Residential, Rural Areas, or
Monticello Historic Districts, Side & Rear Setback**



State law reference – Va. Code § 15.2-2280

(Ord. 15-18(4), 6-3-15)

Sec. 4.20 Setbacks and stepbacks in conventional commercial and industrial districts

Setbacks and stepbacks shall be provided as follows:

- a. *Conventional commercial districts.* The following shall apply within the C-1, CO, and HC districts:

Setbacks	
Front-Minimum	10 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way; <u>for off-street parking or loading spaces, 10 feet from any public street right-of-way</u>
Front-Maximum	30 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way, provided that this maximum setback shall not apply to any structure existing on June 3, 2015 and to any structure depicted on an approved final site plan that is valid on June 3, 2015 as having a front setback greater than 30 feet; none, on any lot, <u>including a corner lot</u> , abutting a principal arterial highway
Side and Rear-	If the abutting lot is zoned residential, rural areas, or the Monticello Historic district: (i)

Minimum	no portion of any structure, excluding signs, shall be located closer than 50 feet from the district boundary; and (ii) no off-street parking or loading space shall be located closer than 20 feet to the district boundary.
Side and Rear-Maximum	If the abutting lot is zoned commercial or industrial, any primary structure shall be constructed and separated in accordance with the current edition of the Building Code.
Stepbacks	None
Front	Floors above 40 feet or the third story, whichever is less, shall be stepped back a minimum of 15 feet
Side and Rear	None

1. The maximum front setback shall be increased to the depth necessary to avoid existing utilities, significant existing vegetation, steep slopes, perennial and intermittent streams, stream buffers, public spaces and public plazas shown as such on an approved site plan or subdivision plat, to satisfy a condition of a certificate of appropriateness, and in circumstances where there are multiple buildings on the same lot and prevailing development patterns.
2. The maximum front setback may be increased by special exception to accommodate low impact design, unique parking or circulation plans, or a unique target market design.
3. Any minimum setback may be reduced by special exception.
4. The minimum 15 foot stepback may be reduced by special exception.
5. Notwithstanding section 4.6.3, the front setbacks in the districts subject to this subsection shall be measured from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way.
6. On any site subject to proffered conditions accepted in conjunction with a zoning map amendment establishing minimum or maximum setbacks or stepbacks, the proffered setbacks or stepbacks shall apply.

b. *Conventional industrial districts.* The following shall apply within the LI and HI districts:

Setbacks	
Front-Minimum	10 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way; <u>for off-street parking or loading spaces, 10 feet from any public street right-of-way</u>
Front-Maximum	None
Side and Rear-Minimum	In the LI district, if the abutting lot is zoned residential, rural areas, or the Monticello Historic district: (i) no portion of any structure, excluding signs, shall be located closer than 50 feet from the district boundary; and (ii) no portion of any off-street parking space shall be located closer than 30 feet from the district boundary. In the HI district, if the abutting lot is zoned residential, rural areas, or the Monticello Historic district: (i) no portion of any structure, excluding signs, shall be located closer than 100 feet from the district boundary; and (ii) no portion of any off-street parking space shall be located closer than 30 feet from the district boundary. If the abutting lot is zoned commercial or industrial, any primary structure shall be constructed and separated in accordance with the current edition of the Building Code.
Side and Rear-Maximum	None
Stepbacks	
Front	Floors above 40 feet or the third story, whichever is less, shall be stepped back a minimum of 15 feet

Side and Rear	None
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1. Any maximum front setback may be increased by special exception.
2. Any minimum setback may be reduced by special exception.
3. The minimum 15 foot stepback may be reduced by special exception.
4. Notwithstanding section 4.6.3, the front setbacks in the districts subject to this subsection shall be measured from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way.
5. On any site subject to proffered conditions accepted in conjunction with a zoning map amendment establishing minimum or maximum setbacks or stepbacks, the proffered setbacks or stepbacks shall apply.

Figures

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Figure 1

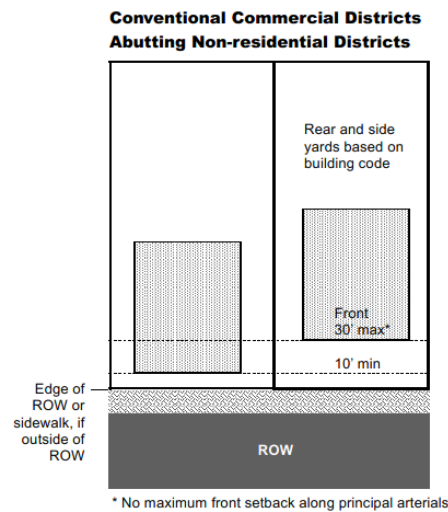


Figure 2

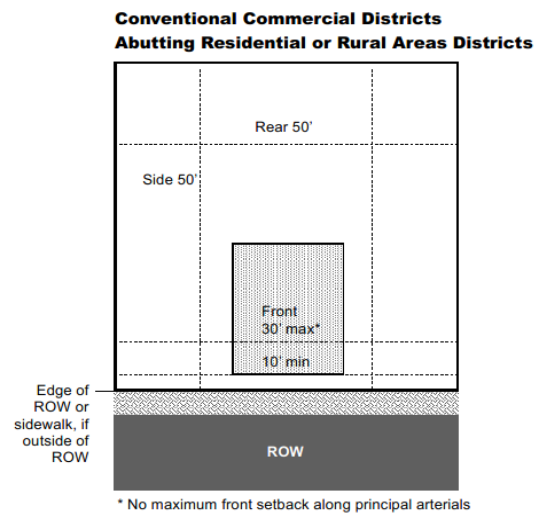
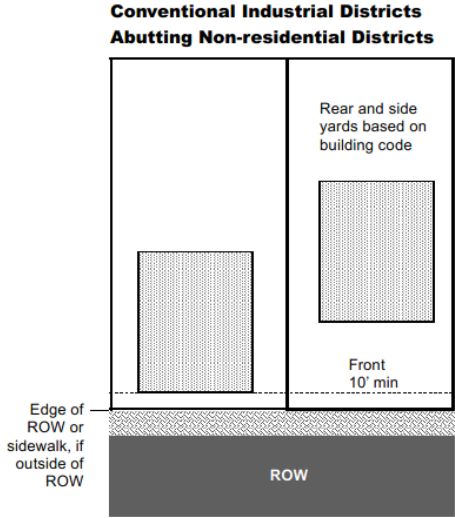
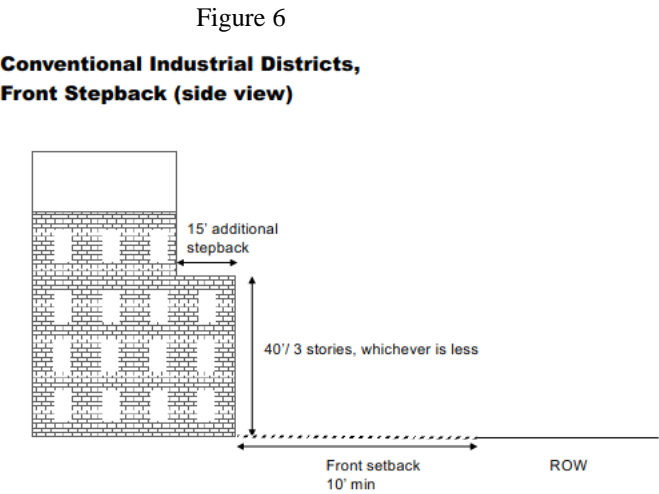
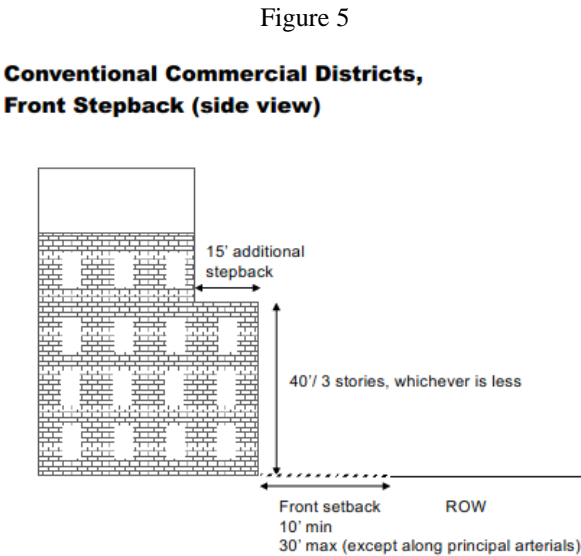
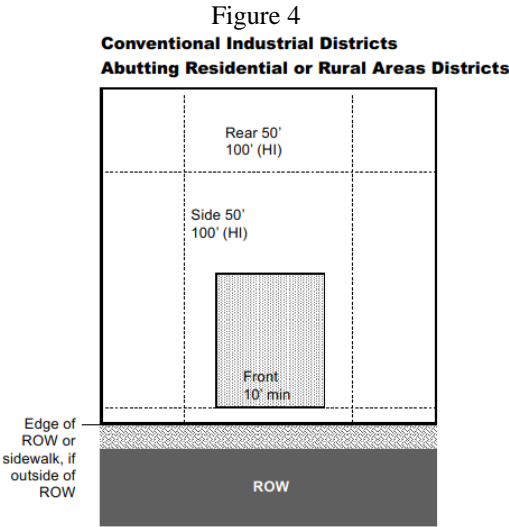


Figure 3





State law reference – Va. Code § 15.2-2280
(Ord. 15-18(4), 6-3-15)

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. Dill	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Mr. Randolph	_____	_____
Mr. Sheffield	_____	_____