

ORDINANCE NO. 17-18()

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, 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 II, Basic Regulations, Article III District Regulations, and Article IV Procedure, are hereby amended and reordained as follows:

By Amending:

Sec. 5.1.47 Farm Stands and Farmers' Markets
Sec. 10.2.1 By Right
Sec. 10.2.2 By Special Use Permit
Sec. 12.2.1 By Right
Sec. 12.2.2 By Special Use Permit
Sec. 35.1 Fees

CHAPTER 18

ARTICLE II. BASIC REGULATIONS

5.1.47 FARM STANDS AND FARMERS' MARKETS

Each farm stand and farmers' market shall be subject to the following, as applicable:

- a. Zoning clearance. Notwithstanding any other provision of this chapter, each farm stand or farmers' market shall obtain approval of a zoning clearance issued by the zoning administrator as provided by section 31.5 before the use is established as provided herein:
 1. *Application.* Each application for a zoning clearance shall include a letter or other evidence from the Virginia Department of Transportation establishing that it has approved the entrance from the public street to the proposed use and:
 - ~~(a) *Farm stands.* For farm stands, a sketch plan, which shall be a schematic drawing of the site with notes in a form and of a scale approved by the zoning administrator depicting: (i) all structures that would be used for the use; (ii) how access, on-site parking, outdoor lighting, signage and minimum yards will be provided in compliance with this section and this chapter; and (iii) how potential adverse impacts to adjoining property will be mitigated.~~
 - ~~(b) *Farmers' markets.* For farmers' markets, a site plan showing only the details not excepted under section 32.3.5(a).~~
 2. If the zoning administrator requires information on the sketch plan or mitigation measures that the applicant objects to the applicant may appeal the requirement to the board of supervisors by submitting a written request for appeal to the clerk of the board of supervisors within ten (10) days after the date of the zoning administrator's request. In acting on an appeal, the board shall consider the recommendation of the zoning administrator and all other relevant evidence. The board may approve or deny the request. In approving a request on an appeal, the board may impose reasonable conditions deemed necessary to protect the public health, safety or welfare.

ARTICLE III. DISTRICT REGULATIONS

Sec 10.2.1 BY RIGHT

The following uses shall be permitted by right in the RA district, subject to the applicable requirements of this chapter:

...

27. Farm stands and farmers' markets (reference 5.1.47).

Sec. 10.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the RA district, subject to the applicable requirements of this chapter:

...

~~54. Farmers' markets (reference 5.1.47).~~

...

12.2.1 BY RIGHT

The following uses shall be permitted by right in the VR district, subject to the applicable requirements of this chapter:

18. Farm stands and farmers' markets (reference 5.1.47).

...

12.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the VR district, subject to the applicable requirements of this chapter:

...

~~18. Farmers' markets (reference 5.1.47).~~

...

ARTICLE IV. PROCEDURE

35.1 FEES.

Each applicant shall pay the following applicable fees, provided that neither the county nor the county school board shall be required to pay any fee if it is the applicant:

...

c. Special use permits:

...

~~7. Farmers' markets without an existing commercial entrance approved by the Virginia Department of Transportation or without existing and adequate parking — \$527.00~~

8. ~~Farmers' markets with an existing commercial entrance approved by the Virginia Department of Transportation and with existing and adequate parking - \$118.00~~
- g. Matters considered by the zoning administrator or other officials:
- . . .
13. Farmers' markets without an existing commercial entrance approved by the Virginia Department of Transportation or without existing and adequate parking - \$527.00
14. Farmers' markets with an existing commercial entrance approved by the Virginia Department of Transportation and with existing and adequate parking - \$118.00

I, Claudette K. Borgersen, 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

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