

ORDINANCE NO. 19-18()

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, 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 II, Basic Regulations, is hereby amended and reordained as follows:

By Amending:

- Sec. 10.2.1 By right.
- Sec. 10.2.2 By special use permit.
- Sec. 32.2 Applicability

By Adding:

- Sec. 5.1.64 Religious Assembly Use in Rural Areas.

Chapter 18. Zoning

Article II. Basic Regulations

Section 5. Supplementary Regulations

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Sec. 5.1.64 Religious Assembly Use in Rural Areas

Each religious assembly use authorized below shall be subject to the following:

- a. Notice. The religious assembly shall provide written notice to the owner of each abutting lot under different ownership than the lot on which the proposed use would be located. The notice shall identify the proposed type, size, and frequency of events and assemblies, and provide the name and telephone number of a contact person who will be on-site at the religious assembly use. The notice shall be mailed at least ten (10) days prior to the issuance of a building permit.
- b. Sound from outdoor amplified music. Sound generated by outdoor amplified music shall be subject to the following:
 - 1. Maximum sound level. Sound generated by outdoor amplified music shall not exceed the applicable maximum sound levels in section 4.18.04.
 - 2. Times of day when outdoor amplified music prohibited. Sound generated by outdoor amplified music is prohibited between 10:00 p.m. and 7:00 a.m. the following morning.
- c. Yards. Notwithstanding any other provision of this chapter, the following minimum front, side, and rear yard requirements shall apply to any event or activity:
 - 1. Structures used for religious assembly. The minimum yards for structures used religious assembly shall be as follows:
 - a. New permanent structures and temporary structures. The minimum front, side, and rear yard requirements in section 10.4 shall apply to all permanent and temporary structures used for religious assembly.
 - b. Existing permanent structures. If an existing permanent structure does not satisfy any minimum yard requirement under subsection (c)(1)(a), the minimum yard required shall be the distance between the existing permanent structure and the street, road, access easement, or lot line on [date of adoption], and that distance shall not be thereafter reduced. An enlargement or expansion of the structure shall be no closer to a street, road, access easement or lot line than the existing structure.

2. Parking areas. The minimum front, side, and rear yards for parking areas shall be one hundred twenty-five (125) feet from any abutting lot not under the same ownership as the religious assembly use.

d. Expansions to existing nonconforming religious uses. Notwithstanding the provisions of section 6.2(A), minor expansions to existing nonconforming religious assembly uses shall be permitted by right. These expansions are limited to picnic shelters, storage, office space, recreational equipment, and other similar additions or accessory structures that are determined by the Zoning Administrator to not increase the capacity of the nonconforming religious assembly use. Any new structure shall comply with the provisions of section 5.1.64(c).

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Section 10. Rural Areas District, RA

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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:

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34. Religious assembly use with assembly of not more than 200 persons.

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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:

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35. Religious assembly use with assembly of more than 200 persons.

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Section 32. Site Plan

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Sec. 32.2 Applicability

Any construction, use, change in use or other development is permitted in any zoning district only with an approved site plan complying with the requirements of section 32, other applicable requirements of this chapter, and all other applicable laws; provided that no site plan shall be required for the following:

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f. Any religious assembly use with assembly of not more than 200 persons.

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

	<u>Aye</u>	<u>Nay</u>
Mr. Dill	_____	_____
Mr. Gallaway	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Mr. Randolph	_____	_____