

Original Proffers   X    
Amendment           

## PROFFER STATEMENT

ZMA No. **201700008 Charlottesville-Albemarle SPCA Renovation and Expansion**

Tax Map and Parcel Number(s): **04500-00-00-08800**

Owner(s) of Record: **The Albemarle Society For The Prevention Of Cruelty To Animals Inc**

Date of Proffer Signature: **May 29, 2018**

**2.53** acres to be rezoned from **R-6, Residential** to **C-1, Commercial**

**The Albemarle Society For The Prevention Of Cruelty To Animals Inc** is the owner (the "Owner") of Tax Map and Parcel Number **0450000008800** (the "Property") which is the subject of rezoning application ZMA No. **201700008**, a project known as "**Charlottesville-Albemarle SPCA Renovation and Expansion**" (the "Project").

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to the zoning district identified above. These conditions are proffered as a part of the requested rezoning and the Owner acknowledges that the conditions are reasonable.

1. Permitted uses of the property, and/or uses authorized by special use permit, shall include only the following section(s) of the Albemarle County Zoning Ordinance in effect on April 27, 2018, a copy of the section(s) being attached hereto:

**22.2.1 BY RIGHT (§ 18-22.2.1)**

3. Religious assembly use, cemeteries. (Amended 8-9-17)
4. Clubs, lodges (reference 5.1.02).
13. Nurseries, day care centers (reference 5.1.06).
20. Dwellings (reference 5.1.21).
26. Stormwater management facilities shown on an approved final site plan or subdivision plat.
27. Tier I and Tier II personal wireless service facilities (reference 5.1.40).

**22.2.2 BY SPECIAL USE PERMIT (§ 18-22.2.2)**

The following uses shall be permitted only by special use permit approved by the board of supervisors:

2. Energy and communications transmission facilities.
3. Hospitals.
5. Veterinary office and hospital (reference 5.1.11).
6. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential - R-15, in compliance with regulations set forth therein.
13. Animal shelter (reference 5.1.11).
14. Tier III personal wireless service facilities (reference 5.1.40).

**OWNER**



By: **Angie Gunter**

Title: **Executive Director**

**The Albemarle Society For The Prevention Of Cruelty To Animals Inc**

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**CHAPTER 18**

**ZONING**

**SECTION 22**

**COMMERCIAL - C-1**

**Sections:**

- 22.1 INTENT, WHERE PERMITTED**
- 22.2 PERMITTED USES**
- 22.2.1 BY RIGHT**
- 22.2.2 BY SPECIAL USE PERMIT**
- 22.3 ADDITIONAL REQUIREMENTS**

**22.1 INTENT, WHERE PERMITTED**

C-1 districts are hereby created and may hereafter be established by amendment to the zoning map to permit selected retail sales, service and public use establishments which are primarily oriented to central business concentrations. It is intended that C-1 districts be established only within the urban area, communities and villages in the comprehensive plan. (Amended 9-9-92)

**22.2 PERMITTED USES**

**22.2.1 BY RIGHT**

The following uses shall be permitted in any C-1 district, subject to the applicable requirements of this chapter. The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit as a use by right, a use not specifically permitted; provided that such use shall be similar to uses permitted by right in general character and more specifically, similar in terms of locational requirements, operational characteristics, visual impact and traffic generation. Appeals from the zoning administrator's decision shall be as generally provided in section 34.

a. The following retail sales and service establishments:

1. Antique, gift, jewelry, notion and craft shops.
2. Clothing, apparel and shoe shops.
3. Department store.
4. Drug store, pharmacy.
5. Florist.
6. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
7. Furniture and home appliances (sales and service).
8. Hardware store.
9. Musical instruments.

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10. Newsstands, magazines, pipe and tobacco shops.
  11. Optical goods.
  12. Photographic goods.
  13. Visual and audio appliances.
  14. Sporting goods.
  15. Retail nurseries and greenhouses.
  16. Farmers' markets (reference 5.1.47).
  17. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
  18. Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
  19. Drive-through windows (reference 5.1.60). (Added 3-2-16)
- b. The following services and public establishments:
1. Administrative, professional offices.
  2. Barber, beauty shops.
  3. Religious assembly use, cemeteries. (Amended 8-9-17)
  4. Clubs, lodges (reference 5.1.02).
  5. Financial institutions.
  6. Fire and rescue squad stations (reference 5.1.09).
  7. Funeral homes.
  8. Health spas.
  9. Indoor theaters.
  10. Laundries, dry cleaners.
  11. Laundromat (provided that an attendant shall be on duty at all hours during operation).
  12. Libraries, museums.
  13. Nurseries, day care centers (reference 5.1.06).
  14. Eating establishments.

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15. Tailor, seamstress.
16. Automobile service stations (reference 5.1.20).
17. Water, sewer, energy and communications distribution facilities.
18. Public uses (reference 5.1.12).
19. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
20. Dwellings (reference 5.1.21).
21. (Repealed 4-3-13)
22. Automobile, truck repair shop excluding body shop.
23. Temporary industrialized buildings (reference 5.8).
24. Indoor athletic facilities.
25. (Repealed 5-5-10)
26. Stormwater management facilities shown on an approved final site plan or subdivision plat.
27. Tier I and Tier II personal wireless service facilities (reference 5.1.40).

(§ 20-22.2.1, 12-10-80; 6-3-81; 3-5-86; 9-9-92; 5-2-93; 9-14-93; 10-11-95; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 10-18(4), 5-5-10; Ord. 13-18(2), 4-3-13; Ord. 16-18(2), 3-2-16; Ord. 17-18(4), 8-9-17; Ord. 18-18(1), 1-10-18)

**22.2.2 BY SPECIAL USE PERMIT**

The following uses shall be permitted only by special use permit approved by the board of supervisors:

1. Commercial recreation establishments including but not limited to amusement centers, bowling alleys, pool halls and dance halls.
2. Energy and communications transmission facilities.
3. Hospitals.
4. (Repealed 8-9-17)
5. Veterinary office and hospital (reference 5.1.11).
6. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential - R-15, in compliance with regulations set forth therein.
7. Hotels, motels and inns.
8. Motor vehicle sales and rental in communities and the urban area as designated in the comprehensive plan.
9. Stand alone parking and parking structures (reference 4.12, 5.1.41).
10. (Repealed 3-2-16)

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11. Uses permitted by right, not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day. Uses permitted by right, not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.
12. Body shop.
13. Animal shelter (reference 5.1.11).
14. Tier III personal wireless service facilities (reference 5.1.40).
15. Storage/Warehousing/Distribution/Transportation

(§ 20-22.2.2, 12-10-80; 1-1-83; 6-1-83; 11-7-84; 6-14-89; 9-9-92; 6-16-99; Ord. 03-18(1), 2-5-03; Ord. 04-18(2), 10-13-04; Ord. 13-18(2), 4-3-13; Ord. 16-18(2), 3-2-16; Ord. 17-18(4), 8-9-17)

**22.3 ADDITIONAL REQUIREMENTS**

In addition to the requirements contained herein, the requirements of section 21.0, commercial districts, generally, shall apply within all C-1 districts. (Amended 3-17-82; 7-10-85)