

ORDINANCE NO. 16-18()

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

By Amending:

Sec. 3.1 Definitions
Sec. 10.2.2 By special use permit

By Adding:

Sec. 5.1.61 Historic restaurants, taverns, and inns

Chapter 18. Zoning

Article I. General Provisions

Sec. 3.1 Definitions

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Historic district: ~~The Southwest Mountains Rural Historic District, the Southern Albemarle Historic District, the Proffit Historic District and the Batesville Historic District, all of which are listed on the Virginia Landmarks Register.~~ Any historic district listed in the National Register of Historic Places or the Virginia Landmarks Register. (Added 12-10-09)

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Article II. Basic Regulations

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Sec. 5.1.61 Historic restaurants, taverns, and inns

In addition to the factors to be considered for a special use permit under section 33.8, each application for one or more uses authorized under section 10.2.2(27)(a) shall conform to the following:

1. The use shall be consistent with the Rural Area goals listed in the Comprehensive Plan.
2. The location and scale of proposed structures and additions shall be complementary and proportionate to the existing structures and/or site, and additions and new structures shall be clearly subordinate to the historic structures on the site. In no event shall the proposed additions, new structures, or exterior modifications to the historic structure adversely impact the historic character or significance of the structure and/or site as determined by the director of planning or his/her designee.
3. In no event shall the proposed additions, new structures, or exterior modifications to the historic structure result in de-listing of the structure and/or site from the National Register of Historic Places and/or Virginia Landmarks Register, as indicated in a determination by the Virginia Department of Historic Resources.

4. The proposed additions, new structures, and exterior modifications to the historic structure shall protect archaeological resources and preserve them in place. If such resources must be disturbed, mitigation measures as determined by the director of planning or his/her designee shall be undertaken.

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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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27. Restaurants, taverns, and inns that are:

- a. ~~Located within an historic landmark as designated in the comprehensive plan~~ on a site containing a structure that is a historic structure and/or site as defined in section 3.1 or located on a site containing a structure that is identified as contributing to a historic district as defined in section 3.1, provided: (i) the structure has been was historically used as a restaurant, tavern or inn or previously approved for such use by special use permit; and (ii) if renovation or restoration of the historic structure is proposed, such changes shall restore the structure shall be restored as faithfully as possible to the architectural character of the period(s) of its significance and shall be maintained consistent therewith; and (iii) that any additions or new structures shall serve a restaurant, tavern or inn use existing within the historic structure and lawfully operating on December 14, 2016; or
- b. Nonconforming uses, provided the restaurant or inn is served by existing water and sewerage systems having adequate capacity for both the existing and proposed uses and facilities without expansion of either system. (Amended 11-8-89; 10-18-00)

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