

<p style="text-align: center;">ACTIONS Board of Supervisors Meeting of October 11, 2017</p>		
		October 18, 2017
<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>VIDEO</u>
1. Call to Order. <ul style="list-style-type: none"> Meeting was called to order at 3:33 p.m., by the Chair, Ms. McKeel. All BOS members were present with the exception of Mr. Randolph who arrived at 4:33 p.m. Also present were Doug Walker, Greg Kamptner, and Travis Morris. 		Link to video
2. Joint Work Session with School Board: <ol style="list-style-type: none"> Annual Update on Employee Compensation, Health Insurance and Other Benefits. <ul style="list-style-type: none"> RECEIVED. B.F. Yancey Transition Update. <ul style="list-style-type: none"> RECEIVED. 		
Non Agenda. Resolution of Appreciation for Lee P. Catlin. <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution and presented to Lee Catlin. 	(Attachment 1)	
3. Government Operations/Courts Relocation Opportunities Analysis - Advisory Services Update. <ul style="list-style-type: none"> RECEIVED. 		
4. Closed Meeting. <ul style="list-style-type: none"> At 5:43 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia: Under Subsection (7), to consult with legal counsel and briefings by staff members pertaining to actual litigation pertaining to a real estate assessment appeal, where consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the County. 		
5. Certify Closed Meeting. <ul style="list-style-type: none"> At 6:19 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
6. Boards and Commissions: <ol style="list-style-type: none"> Vacancies and Appointments. <ul style="list-style-type: none"> Held later on agenda. 		
7. Call Back to Order. <ul style="list-style-type: none"> At 6:20 p.m., the Chair called the regular night meeting to order. 		
10. Adoption of Final Agenda. <ul style="list-style-type: none"> Added for discussion an Albemarle Broadband Authority project and Virginia Outdoors Foundation Open-Space Easement. By a vote of 6:0, ADOPTED the final agenda as amended. 		
11. Brief Announcements by Board Members. <u>Norman Dill:</u> <ul style="list-style-type: none"> Announced that he participated in the CBIC Tech Tour. <u>Ann Mallek:</u>		

	<ul style="list-style-type: none"> • Mentioned that she would place a copy of the 2008 Weldon Cooper survey in the Board office. • Requested information on citizen complaints with the Post Office. • Mentioned that she held a town hall meeting in Crozet on October 10. • Requested information on utilizing nutrient banks in parklands for revenue credit. • Commented on pocket parks in neighborhoods. <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> • Announced she attended the Moore's Creek pump station grand opening. • Announced Batesville Apple Butter Days are that October 21 and 22. 		
12.	<p>Proclamations and Recognitions:</p> <p>a. Proclamation Recognizing October as Domestic Violence Awareness Month.</p> <ul style="list-style-type: none"> • Removed from agenda. <p>b. Proclamation Recognizing October as Wine Month.</p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED proclamation. 	(Attachment 2)	
13.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> • There were none. 		
14.2	<p>Resolution of Intent for Farmers Market ZTA.</p> <ul style="list-style-type: none"> • ADOPTED resolution of intent. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 3)	
15.	<p>Historic Inventory.</p> <ul style="list-style-type: none"> • RECEIVED. 		
15a.	<p>Declaration of Water Emergency.</p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED resolution declaring water emergency. 	<u>Clerk:</u> Forward copy of signed resolution to ACSA and County Attorney's office. (Attachment 4)	
	<p>Recess. At 7:51 p.m., the Board recessed and reconvened at 7:59 p.m.</p> <p>Note: Supervisor Randolph left the meeting at 7:51 p.m.</p>		
16.	<p><u>Pb. Hrg.: ZTA 2017-07 Terminology Updates and Clarifications. Formerly Advertised as: ZTA 2017-07 Housekeeping II.</u></p> <ul style="list-style-type: none"> • By a vote of 5:0:1 (Randolph absent), ADOPTED ZTA 2017-07. 	<u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 5)	
17.	<p><u>Pb. Hrg.: ZTA 2017-02 Section 1.</u></p> <ul style="list-style-type: none"> • By a vote of 5:0:1, ADOPTED ZTA 2017-02. 	<u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 6)	
18.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p>a. Albemarle Broadband Authority project Discussion.</p> <ul style="list-style-type: none"> • Mike Culp presented a VATI grant opportunity. The Board indicated their support to pursue the grant. <p>b. Virginia Outdoor Foundation Open-Space Easement.</p>	<u>Mike Culp:</u> Proceed as authorized.	

	<ul style="list-style-type: none"> • CONSENSUS to authorize the Chair to sign a letter to oppose amending the open space easement where the facility in question is inconsistent with Albemarle County Wireless Policy that is a part of our Comprehensive plan. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> • Inquired about the new addition at the SPCA. • Requested a review of the Albemarle County Wireless Policy. 	<p><u>Community Development:</u> Notify Clerk when ready to schedule on the agenda.</p>	
19.	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • There were none. 		
20.	<p>Closed Meeting.</p> <ul style="list-style-type: none"> • At 8:33 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia: • Under Subsection (3), to discuss and consider the acquisition of real property located in Crozet for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County. • Under Subsection (5), to discuss the expansion of an existing business where no previous announcement has been made of the business' interest in expanding its facilities in the community. • Under Subsection (6), to discuss and consider the investment of public funds for infrastructure improvements in Crozet where competition and bargaining is involved where, if made public initially, would adversely affect the financial interest of the County. • Under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice about an agreement to which the County is a party and which pertains to a County-supported public body. 		
	<p>Certify Closed Meeting</p> <ul style="list-style-type: none"> • At 9:33 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
	<p>Boards and Commissions:</p> <p>a. Vacancies and Appointments.</p> <ul style="list-style-type: none"> • REAPPOINTED Mr. David Wayland to the Places 29 (Rio) Community Advisory Committee with said term to expire September 30, 2019. 	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>	
21.	<p>Adjourn to October 17, 2017, 4:00 p.m., Room 241.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 9:35 p.m. 		

ckb/tom

- Attachment 1 – Resolution of Appreciation for Lee P. Catlin
- Attachment 2 – Proclamation Recognizing October as Virginia Wine Month
- Attachment 3 – Resolution of Intent
- Attachment 4 – Resolution Declaring Water Emergency
- Attachment 5 – Ordinance No. 17-18(5)
- Attachment 6 – Ordinance No. 17-18(6)

**A Resolution of Appreciation for
Lee P. Catlin**

WHEREAS, Lee Catlin served the citizens of Albemarle County with superior distinction for a total of twenty five years, beginning in the Police Department as Community Resource Specialist and eventually rising through the organization to become Assistant County Executive; and

WHEREAS, Lee's leadership spearheaded the County's commitment to proactive community partnerships through thoughtful engagements around hot topics, ranging from identifying alternative revenue sources during the Great Recession to the Route 29 Solutions Business Assistance Program and the 2016 Bond Referendum outreach, as well as standing programs such as the annual budget outreach, Community Advisory Committees, Neighborhood Leadership programs, and countless others – ensuring citizens are heard and involved in important local government matters.

WHEREAS, Lee was an advocate for the County's tourism programs and was instrumental in supporting the work of the Charlottesville Albemarle Convention and Visitors Bureau, the Monticello Artisan Trail, the Monticello Wine Trail, as well as support for the many annual festivals that call our region home each year – understanding that these cultural institutions are what make Albemarle County a great place to live and play; and

WHEREAS, Lee advanced the County's economic development work, growing the program into its own County Department, working to connect prospective businesses to the myriad players in our community to meet site and workforce needs, and highlighting the value of growing our existing businesses within the County, while also leading efforts like the Target Industry Study and the ongoing Economic Development Strategic Plan and Development Advisor efforts; and

WHEREAS, Lee became the trusted voice of Albemarle County through countless interviews and media requests on a wide range of issues, at all hours of the day, and led the County through many crises with professionalism and grace.

WHEREAS, Lee continually pushed Albemarle County to be a high-performing organization with the creation of programs for that engage staff in leadership work and transformational initiatives, including the Innovative Leadership Institute and the Innovation Fund;

NOW, THEREFORE, BE IT RESOLVED, by the Albemarle County Board of Supervisors that Lee is hereby honored and commended for her many years of exceptional service to the Board of Supervisors, Albemarle County residents, and the broader community in which we live with the knowledge that we are strengthened by the contributions of dedicated public servants such as Lee Catlin, whose leadership, dedication, commitment, professionalism and compassion in responding to community needs make Albemarle County a better place in which to live and work; and

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the minutes of this meeting of the Albemarle County Board of Supervisors in perpetuity as testament to the high esteem in which Lee is held by this Board and with sincere gratitude for an extraordinary life of service to this community.

Signed this 11th day of October, 2017

**Proclamation
Virginia Wine Month**

- WHEREAS,** from modest beginnings in colonial times, Virginia has become a nationwide leader in the wine industry, now 8th in the nation in grape production and 12th in the nation in wine production, and with wine sales growing 83 percent since 2010, to 705,166 cases of Virginia wine sold worldwide in fiscal year 2016; and
- WHEREAS,** wines from the Commonwealth, including those from Albemarle County, are winning national and international awards and recognition for their elegant qualities, imparted by skilled vintners and Virginia's terroir; and
- WHEREAS,** many of Albemarle's 35 vineyards, most with wineries on site, are run by families as strong agricultural enterprises that can be passed on to future generations, providing economic benefit for winery owners and employees and for other Albemarle ventures supported by the patronage and purchasing power of winery visitors, including farming of heritage and heirloom crops, restaurant cuisine committed to selling local where possible, and tourism focused on sustaining the land and the local culture; and
- WHEREAS,** in 2016 Albemarle County had the 2nd most bearing acres of grapes in the state - 424 acres, or 16.5% of the state's total bearing acres -- and is part of the central region of Virginia which produced the most tons of grapes -- 2,744 tons, or 42% of the total in the state in 2016; and
- WHEREAS,** Albemarle County values our wineries' stewardship, keeping their land producing and protected in agricultural uses, preserving scenic vistas, historic sites and other amenities which make Albemarle wineries ideal places of entertainment, culture, enjoyment and social engagement that enrich Albemarle County's quality of life and culture of hospitality.
- NOW, THEREFORE, BE IT RESOLVED,** that the Albemarle County Board of Supervisors, does hereby recognize Albemarle County wineries and their contribution to the Virginia wine industry's success and encourage County residents and visitors to visit a winery or purchase local wines through local restaurants and shops during October 2017, Virginia Wine Month.

Signed and sealed this 11th day of October, 2017.

RESOLUTION OF INTENT

WHEREAS, the Albemarle County Zoning Ordinance requires a special use permit for farmers' markets in the Rural Areas zoning district pursuant to Albemarle County Code §18-10.2.2; and

WHEREAS, the Rural Area chapter of the Albemarle County Comprehensive Plan states that one of the objectives of the County is to "support a strong agricultural and forestal economy," and one of the strategies to achieve that objective is to "continue to assist Rural Area property owners to diversify agricultural activities, including helping to connect local farms with local consumers"; and

WHEREAS, the Albemarle County Board of Supervisors considered making farmers' markets a by-right use at its August 9, 2017 meeting; and

WHEREAS, the appropriate performance standards may allow farmers' markets to be a by-right use in the Rural Areas zoning district.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code §§18-5.1.47, 18-10, and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendations to the Board of Supervisors, at the earliest possible date.

RESOLUTION

WHEREAS, on October 5, 2017, the Board of Directors of the Rivanna Water and Sewer Authority declared a Drought Warning for the Charlottesville-Albemarle County area because of the rapid loss of water storage at the South Fork Rivanna Reservoir; and

WHEREAS, on October 9, 2017, the Board of Directors of the Albemarle County Service Authority (the “ACSA” and the “ACSA Board”) determined that a lack of adequate rainfall was creating drought conditions causing the water levels of the water supply reservoirs in all of the ACSA’s service areas, particularly the South Fork Rivanna Reservoir, to decrease even after the call for voluntary water conservation measures; and

WHEREAS, on October 9, 2017, the ACSA Board adopted a resolution pursuant Section 16-02(B) of its Rules and Regulations requesting the Albemarle County Board of Supervisors (the “Board”) to declare a water emergency which, in turn, enables the ACSA Board to declare a Drought Warning and impose restrictions on water use authorized by Section 16-02(B); and

WHEREAS, the ACSA Board’s October 9, 2017 resolution found that a water emergency exists in all of the ACSA service areas of the County arising out of a shortage of water supply.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby declares an emergency because a shortage of water supply exists in all service areas of the County; and

BE IT FURTHER RESOLVED that, in addition to the ACSA Board imposing the mandatory restrictions on water usage authorized by Section 16-02(B) of its Rules and Regulations during the emergency, the Board authorizes the ACSA and its Executive Director to also order the restriction or prohibition of any or all uses of the water supply as set forth in Section 16-500 of the Albemarle County Code during the emergency, as the ACSA Board or its Executive Director deem those restrictions and prohibitions to be necessary.

ORDINANCE NO. 17-18(5)

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

By Amending:

Sec. 3.1	Definitions
Sec. 4.12.6	Minimum Number of Required Parking Spaces For Scheduled Uses
Sec. 4.17.3	Definitions
Sec. 4.17.4	Standards
Sec. 5.1.11	Commercial Kennel, Veterinary Service, Office or Hospital, Animal Hospital, Animal Shelter
Sec. 5.2	Home Occupations in Zoning Districts Other Than the Rural Areas Zoning District
Sec. 14.2.2	By Special Use Permit
Sec. 15.2.2	By Special Use Permit
Sec. 16.2.2	By Special Use Permit
Sec. 17.2.2	By Special Use Permit
Sec. 18.2.2	By Special Use Permit
Sec. 19.3.2	By Special Use Permit
Sec. 20.3.2	By Special Use Permit
Sec. 20A.8	Mixture of Uses
Sec. 20B.1	Purpose and Intent
Sec. 20B.2	Permitted Uses
Sec. 20B.4	Parking
Sec. 26.5	Minimum Yards
Sec. 31.3	Zoning permits

By Renaming:

Old:	New:
Sec. 5.1.13 Rest Home, Nursing Home, Convalescent Home, Orphanage	Sec. 5.1.13 Assisted Living Facility, Skilled Nursing Facility, Children's Residential Facility

CHAPTER 18. ZONING**ARTICLE I. GENERAL PROVISIONS****3.1 DEFINITIONS**

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Assisted living facility: A residential facility licensed by the Virginia Department of Social Services where a level of service is provided by an adult care residence for adults who may have physical or mental impairments and require at least moderate assistance with the activities of daily living. Included in this level of service are individuals who are dependent in behavior pattern (i.e., abusive, aggressive, disruptive) as documented on the uniform assessment instrument. (Added 2- 5-03)

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Children's residential facility: A publicly or privately operated facility licensed by the Virginia Department of Social Services where 24-hour per day care is provided to children separated from their legal guardians. (Added 7-26-17)

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Hospital: A building or group of buildings designed, used or intended to be used, for the care of the sick, aged or infirmed, including the care of mental, drug-addiction, or alcoholic cases. This terminology shall include, but not be limited to, skilled nursing facilities.

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Skilled nursing facility: A facility in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two or more nonrelated individuals, including facilities known by varying nomenclature or designation such as convalescent homes, sanitariums, skilled care facilities, intermediate care facilities, extended care facilities, and nursing or nursing care facilities.

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ARTICLE II. BASIC REGULATIONS

SECTION 4. GENERAL REGULATIONS

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4.12.6 MINIMUM NUMBER OF REQUIRED PARKING SPACES FOR SCHEDULED USES

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Assisted living facility, skilled nursing facility: One (1) space per four (4) beds. (See also Multi-family dwellings for the elderly.)

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4.17.3 DEFINITIONS

The following definitions shall apply in the implementation and enforcement of these outdoor lighting regulations:

Decorative luminaire with full cutoff optics. (Repealed 10-17-01)

Full cutoff luminaire. The term "full cutoff luminaire" means an outdoor light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane.

High intensity discharge lamp. The term "high intensity discharge lamp" means a mercury vapor, metal halide, or high pressure sodium lamp, and for purposes of this section 4.17, a low pressure sodium lamp.

Initial lumens. (Repealed 10-17-01)

Lamp. The term "lamp" means the component of a luminaire that produces light. A lamp is also commonly referred to as a bulb and includes an arrangement of light emitting diodes ("LED").

Lumen. The term "lumen" means a standard unit of measurement of luminous flux.

Luminaire. The term "luminaire" means a complete lighting unit consisting of a lamp or lamps together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. A luminaire is also commonly referred to as a fixture.

Outdoor luminaire. The term "outdoor luminaire" means a luminaire which is permanently installed outdoors including, but not limited to, devices used to illuminate any site, structure, or sign, except that it does not include an internally illuminated sign.

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4.17.4 STANDARDS

The following standards shall apply to each outdoor luminaire:

- a. Except as provided in section 4.17.6, each outdoor luminaire subject to these outdoor lighting regulations shall be a full cutoff luminaire. (Amended 10-17-01)
1. For each outdoor luminaire subject to these outdoor lighting regulations pursuant to section 4.17.2.a, whether a lamp emits three thousand (3,000) or more maximum lumens shall be determined from the information provided by the manufacturer of the lamp including, but not limited to, information on the lamp or on the lamp's packaging materials. (Amended 10-17-01)
 2. For each outdoor luminaire subject to these outdoor lighting regulations pursuant to section 4.17.2.a, the following rated lamp wattages shall be deemed to emit three thousand (3,000) or more maximum lumens unless the zoning administrator determines, based upon information provided by a lamp manufacturer, that the rated wattage of a lamp emits either more or less than the three thousand (3,000) maximum lumens, or is a fixture with LED lamps, the total lumens of which equals 3,000 or more: (Amended 10-17-01)
 - a. Incandescent lamp: one hundred sixty (160) or more watts.
 - b. Quartz halogen lamp: one hundred sixty (160) or more watts.
 - c. Fluorescent lamp: thirty-five (35) or more watts.
 - d. Mercury vapor lamp: seventy-five (75) or more watts.
 - e. Metal halide lamp: forty (40) or more watts.
 - f. High pressure sodium lamp: forty-five (45) or more watts.
 - g. Low pressure sodium lamp: twenty-five (25) or more watts.
 3. If LED lamps are proposed, the applicant shall provide information from the manufacturer indicating the total lumens emitted by the fixture and, if the total lumens is 3,000 or more, the fixture shall be a full cutoff fixture. (Amended 10-17-01)
 4. If the total lumens emitted by proposed LED lamps are three thousand (3,000) or greater as indicated in information provided by the manufacturer, the fixture shall be a full cutoff luminaire.

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SECTION 5. SUPPLEMENTARY REGULATIONS

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5.1.11 COMMERCIAL KENNEL, VETERINARY SERVICE, OFFICE OR HOSPITAL, ANIMAL HOSPITAL, ANIMAL SHELTER

Each commercial kennel, veterinary service, office or hospital, animal hospital and animal shelter shall be subject to the following:

- a. Except where animals are confined in soundproofed, air-conditioned buildings, no structure or area occupied by animals shall be closer than five hundred (500) feet to any agricultural or residential lot line. For non-soundproofed animal confinements, an external solid fence not less than six (6) feet in height shall be located within fifty (50) feet of the animal confinement and shall be composed of concrete block, brick, or other material approved by the zoning administrator;
 - b. For soundproofed confinements, no such structure shall be located closer than two hundred (200) feet to any agricultural or residential lot line. For soundproofed and non-soundproofed confinements, sound measured at the nearest agricultural or residential property line shall not exceed fifty-five (55) decibels;
- . . .

5.1.13 ASSISTED LIVING FACILITY, SKILLED NURSING FACILITY, CHILDREN'S RESIDENTIAL FACILITY

- a. Such uses shall be provided in locations where the physical surroundings are compatible to the particular area;
- b. No such use shall be established in any area either by right or by special use permit until the Albemarle County fire official has determined that adequate fire protection is available to such use;
- c. Generally such uses should be located in proximity to or in short response time to emergency medical and fire protection facilities. Uses for the elderly and handicapped should be convenient to shopping, social, education and cultural uses;
- d. No such use shall be operated without approval and, where appropriate, licensing by such agencies as the Virginia Department of Welfare, the Virginia Department of Health, and other such appropriate local, state and federal agencies as may have authority in a particular case.

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5.2 HOME OCCUPATIONS IN ZONING DISTRICTS OTHER THAN THE RURAL AREAS ZONING DISTRICT

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- h. Prohibited home occupations. The following uses are prohibited as home occupations: (1) tourist lodging; (2) assisted living or skilled nursing facilities; (3) nursery schools; (4) day care centers; and (5) private schools.

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SECTION 14. RESIDENTIAL – R-2

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14.2.2 BY SPECIAL USE PERMIT

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- 9. Assisted living facility, skilled nursing facility, children's residential facility, or similar institution (reference 5.1.13).

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SECTION 15. RESIDENTIAL – R-4

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15.2.2 BY SPECIAL USE PERMIT

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- 9. Assisted living facility, skilled nursing facility, children's residential facility, or similar institution (reference 5.1.13).

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SECTION 16. RESIDENTIAL – R-6

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16.2.2 BY SPECIAL USE PERMIT

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- 9. Assisted living facility, skilled nursing facility, children's residential facility, or similar institution (reference 5.1.13).

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SECTION 17. RESIDENTIAL – R-10

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17.2.2 BY SPECIAL USE PERMIT

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9. Assisted living facility, skilled nursing facility, children's residential facility, or similar institution (reference 5.1.13).

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SECTION 18. RESIDENTIAL – R-15

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18.2.2 BY SPECIAL USE PERMIT

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9. Assisted living facility, skilled nursing facility, children's residential facility, or similar institution (reference 5.1.13).

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SECTION 19. PLANNED RESIDENTIAL DEVELOPMENT - PRD

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19.3.2 BY SPECIAL USE PERMIT

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3. Assisted living facility, skilled nursing facility, children's residential facility, or similar institution (reference 5.1.13).

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SECTION 20. PLANNED UNIT DEVELOPMENT - PUD

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20.3.2 BY SPECIAL USE PERMIT

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3. Assisted living facility, skilled nursing facility, children's residential facility, or similar institution (reference 5.1.13).

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SECTION 20A. NEIGHBORHOOD MODEL – NMD

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20A.8 MIXTURE OF USES

There shall be a mixture of uses within each NMD as follows:

- a. Each district shall have at least two housing types; provided that this requirement may be waived by the board of supervisors if the district is an infill project or at least two (2) housing types are already present within one-quarter mile of the proposed district. The following are considered to be different housing types: (1) single family detached dwellings; (2) single family attached dwellings; (3) duplexes; (4) triplexes; (5) quadplexes; (6) townhouses; (7) multifamily dwellings; (8) accessory apartments; (9) manufactured housing; and (10) special needs housing such as assisted living facilities, group homes, and skilled nursing facilities.

SECTION 20B. DOWNTOWN CROZET DISTRICT - DCD

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20B.1 PURPOSE AND INTENT

The purpose of the Downtown Crozet District (hereinafter referred to as the "DCD") is to establish a district in which traditional downtown development, as described in the Crozet master plan, will occur. To these ends, the DCD provides for flexibility and variety of development for retail, service, and civic uses

with light industrial and residential uses as secondary uses. The regulations for the DCD are intended to promote a development form and character that is different from typical suburban development allowed by conventional zoning, and are also intended to: (i) promote the economic and social vitality and diversity of downtown Crozet; (ii) implement the Crozet master plan for the downtown area of Crozet so that it may serve as the commercial hub of Crozet and its environs; (iii) provide a greater mix of uses in downtown Crozet, including increased employment; (iv) facilitate infill and redevelopment; (v) increase the utility of the land; (vi) retain the uniquely diverse character of Crozet; and (vii) promote a pedestrian-friendly environment. These regulations are intended to provide maximum flexibility in establishing uses and structures in order to implement the relevant policies of the Crozet master plan. Accordingly, although the DCD permits uses that are commercial and light industrial in character, neither sections 21 nor 26 of this chapter apply to the DCD.

20B.2 PERMITTED USES

6. Assisted living facilities and skilled nursing facilities. (reference 5.1.13).

20B.4 PARKING

2. *Non-residential uses:* For all non-residential uses other than assisted living facilities and skilled nursing facilities, one (1) space per one thousand (1,000) square feet of net floor area. For assisted living facilities and skilled nursing facilities, one (1) space per each five (5) bedrooms plus one (1) space per employee per shift, or as otherwise provided in a parking study submitted by the applicant and reviewed and approved by the zoning administrator. For the purposes of this subsection, "net floor area" shall be deemed to be: (a) eighty (80) percent of the gross floor area; or (b) at the request of the applicant, the actual floor area as shown on floor plans submitted by the applicant, delineating the actual net floor area, which plans shall be binding as to the maximum net floor area used.

SECTION 26 INDUSTRIAL DISTRICTS - GENERALLY

26.5 MINIMUM YARDS

The minimum yard requirements in the industrial districts are as follows:

- a. *Buffer zone adjacent to district other than commercial or industrial district.* For the purpose of this subsection, a buffer shall not be required when a commercial or industrial district zone is across a street from a residential or rural area district. No construction activity, including grading or clearing vegetation (collectively, "disturbance"), shall occur within thirty (30) feet of any district other than a commercial or industrial district except in the following circumstances: (i) adequate landscape screening does not currently exist and disturbance is necessary to install screening that meets or exceeds the screening requirements in section 32.7.9; (ii) an arborist or landscape architect certifies that trees in the buffer are dying, diseased or will constitute a fall hazard and must be removed; (iii) the county engineer determines that disturbance is necessary in order to address an existing drainage problem; or (iv) disturbance will result in improved screening through the use of a berm, a retaining wall or similar physical modification or improvement. When disturbance is allowed under subsection (i), (ii), (iii) or (iv), the developer shall submit an illustration showing the existing screening without disturbance and the screening that would be installed after the disturbance, and disturbance shall be allowed only if the screening installed after the disturbance is equal to or exceeds the screening existing prior to disturbance.

SECTION 31 ADMINISTRATION AND ENFORCEMENT

31.3 ZONING PERMITS

- c. *Approval.* If the proposed building or structure and stated use comply with this chapter, the zoning administrator shall approve the zoning permit application.

Inspection. Prior to commencing use, the zoning administrator shall require an inspection of the building or structure upon completion of construction to ensure compliance with this chapter.

ORDINANCE NO. 17-18(6)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, 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 Regulations, is hereby amended and reordained as follows:

By Amending:

Sec. 1.7 Zoning map

By Amending and Renaming:

Sec. 1.3 Effective date; repeal of prior zoning ordinance.
Sec. 1.4 Purposes

By Amending, Renumbering, and Renaming:

Old Number	New Number	
Sec. 1.6	Sec. 1.5	Implementation of the comprehensive plan

By Adding:

Sec. 1.1	Short title
Sec. 1.2	Authority
Sec. 1.6	Territory and airspace subject to this chapter

By Repealing:

Sec. 1.1	Authority and enactment
Sec. 1.2	Amendment to adopt
Sec. 1.5	Relation to environment
Sec. 1.8	Certified copy, filing

Chapter 18. Zoning**Article I. General Provisions****Section 1. Authority, Establishment, Purposes and Zoning Map****Sec. 1.1 Short title.**

This chapter shall be known and may be cited as the “Albemarle County Zoning Ordinance” or the “Zoning Ordinance.”

(§ 18-1.1, Ord. 15-18(6), 10-11-17)

State law reference – Va. Code § 15.2-2280, 15.2-2286.

Sec. 1.2 Authority.

This chapter is adopted pursuant to Virginia Code § 15.2-2200 *et seq.* and other titles of the Virginia Code enabling the County to regulate through its zoning regulations.

(§ 1.1, 12-10-80, § 18-1.2, Ord. 15-18(6), 10-11-17)

State law reference – Va. Code §§ 15.2-2108, 15.2-2200 *et seq.*, 15.2-2280, 15.2-2286.

Sec. 1.3 Effective date; repeal of prior zoning ordinance.

This chapter shall be effective at and after 5:15 P.M. on December 10, 1980. The zoning ordinance adopted December 22, 1969, as amended, was simultaneously repealed at 5:15 P.M. on December 10, 1980.

(§ 1.3, 12-10-80, § 1.3, Ord. 15-18(6), 10-11-17)

State law reference – Va. Code § 15.2-2286.

Sec. 1.4 Purposes.

The purposes of this chapter are to promote the public health, safety, convenience, and welfare and to accomplish the objectives of Virginia Code §§ 15.2-2200 and 15.2-2283. To these ends, this chapter is intended to:

- A. Provide for adequate light, air, convenience of access, and safety from fire, flood, impounding structure failure, crime and other dangers;
- B. Reduce or prevent congestion in the public streets;
- C. Facilitate creating a convenient, attractive and harmonious community;
- D. Facilitate providing adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;
- E. Protect against destroying or encroaching upon historic areas;
- F. Protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, impounding structure failure, panic or other dangers;
- G. Encourage economic development activities that provide desirable employment and enlarge the tax base;
- H. Provide for preserving agricultural and forestal lands and other lands of significance for the protection of the natural environment;
- I. Protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities;
- J. Promote creating and preserving affordable housing suitable for meeting the current and future needs of the County as well as a reasonable proportion of the current and future needs of the planning district within which the locality is situated;
- K. Provide reasonable protection against encroachment upon military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard; and
- L. Protect surface water and ground water as defined in Virginia Code § 62.1-255.

(§ 1.4, 12-10-80, § 1.4, Ord. 15-18(6), 10-11-17)

State law reference – Va. Code §§ 15.2-2200, 15.2-2283.

Sec. 1.5 Implementation of the comprehensive plan

The regulations in, and the districts established by, this chapter are intended to implement the policies,

goals and objectives of the comprehensive plan. (Amended 11-1-89)

(§ 1.6, 12-10-80, 11-1-89; § 18-1.5, Ord. 15-18(6), 10-11-17)

State law reference – Va. Code §§ 15.2-2200, 15.2-2283, 15.2-2284.

Sec. 1.6 Territory and airspace subject to this chapter.

This chapter applies to the following:

- A. *Unincorporated territory.* All of the unincorporated land area of the County, subject to subsections (B), (C), and (D).
- B. *Airspace of privately owned and certain publicly owned land.* The superjacent airspace of any unincorporated land area in the County that is not owned by the Commonwealth.
- C. *Airspace of any public travelways.* The superjacent and subjacent airspace of any public highway, street, lane, alley, or other public travelway in the County owned by the Commonwealth that is not required for the purpose of travel or other public use.
- D. *Airspace of privately occupied but publicly owned lands.* The superjacent airspace of any land area in the County not provided for in subsection (C) owned by the Commonwealth or any county, city, or town, that is occupied by an entity or person other than the Commonwealth or any county, city, or town.

State law reference – Va. Code §§ 15.2-2281, 15.2-2293.

Sec. 1.7 Zoning map.

The zoning map is identified, and shall be interpreted, as follows:

- A. *Zoning map identified.* The zoning map is composed of the several maps and digital source files, and all dimensions, symbols, notations, and designations shown on the maps and in the digital source files, is maintained by the Department of Community Development, and is incorporated by reference as part of this chapter. The zoning map is the digital form of the zoning map adopted on December 10, 1980, as amended by all zoning map amendments after that date. The zoning map also may exist in an analog zoning map book.
- B. *Zoning map establishes the location and boundaries of districts.* The location and boundaries of the districts created by this chapter are hereby established as shown on the zoning map. The zoning map also includes symbols that represent the existence of conditions, including proffers, attaching to the zoning of a parcel on the zoning map.
- C. *Interpretation.* The zoning map shall be interpreted as follows:
 - 1. *District lines follow lot lines and center lines; boundaries designated.* The district boundaries shown on the zoning map are intended to follow the lot lines and the center lines of streets or alleys as they existed on December 10, 1980 and as hereafter amended; provided that where a district boundary obviously does not follow any lot line or center line, and is not depicted on an approved subdivision plat or site plan or described by dimensions or other means, the district boundary shall be determined by measurement using a scale.
 - 2. *Waterways, roads, streets, alleys, highways, railroads, and other rights-of-way; boundary not designated.* All waterways, roads, streets, alleys, highways, railroads, and other rights-of-way (collectively, “features”), if not otherwise specifically designated and if not part of a parcel abutting the feature, shall be deemed to be in the same district as the immediately abutting parcels, and the departing boundary lines from those abutting parcels shall be deemed to extend to the centerline of the feature. If the center line of a

feature serves as a parcel boundary, the zoning of the feature, if not otherwise specifically designated, shall be deemed to be the same as that of the parcel to which it is a part.

3. *Superjacent and subjacent airspace.* The superjacent and subjacent airspace of any unincorporated territory within the County shall be deemed to be within the same district as the parcel to which it pertains unless the superjacent or subjacent airspace is zoned otherwise by a zoning map amendment.
 4. *Areas not otherwise designated.* The intent of this chapter is to have the entire unincorporated territory of the County within a district. Except for those features identified in subsection (C)(2), any area shown on the zoning map having a white background shall be deemed to be in the Rural Areas (RA) district.
 5. *Inconsistencies.* If there is an inconsistency between any information shown on the zoning map and any decision made by the Board of Supervisors or an interpretation of the zoning map made by the Board of Zoning Appeals after December 10, 1980, then the decision of the Board of Supervisors or the interpretation of the Board of Zoning Appeals shall govern.
- D. *Alterations and amendments.* The zoning map shall not be altered or amended in any way except in compliance with the procedures and standards established by this chapter for a zoning map amendment.

(§ 1.7, 12-10-80; Ord. 12-18(7), 12-5-12, effective 4-1-13; § 1.6, Ord. 15-18(6), 10-11-17)

State law reference – Va. Code §§ 15.2-2285(A), 15.2-2286(A)(7), 15.2-2300.