

ORDINANCE NO. 17-18()

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. 5.1.13	<u>Assisted Living Facility, Skilled Nursing Facility, Children's Residential Facility</u>
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
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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

CHAPTER 18. ZONING

ARTICLE I. GENERAL PROVISIONS

3.1 DEFINITIONS

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Assisted living facility: A residential facility licensed by the Virginia ~~d~~Department of ~~s~~Social ~~s~~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, ~~sanitariums, nursing homes and convalescent homes~~ 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~~Rest home, nursing home, convalescent home~~: 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.

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 a luminaire is equipped with more than one lamp, the lumens of the lamp with the highest maximum lumens shall determine the lumens emitted. 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 fixture.

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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, ~~noise~~ sound measured at the nearest agricultural or residential property line shall not exceed fifty-five (55) decibels;

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5.1.13 ~~REST HOME, NURSING HOME, CONVALESCENT HOME, ORPHANAGE 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) ~~nursing homes~~ 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. ~~Rest home, nursing home, convalescent home, orphanage~~ 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. ~~Rest home, nursing home, convalescent home, orphanage~~ 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. ~~Rest home, nursing home, convalescent home, orphanage~~ 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. ~~Rest home, nursing home, convalescent home, orphanage~~ 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. ~~Rest home, nursing home, convalescent home, orphanage~~ 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. ~~Rest home, nursing home, convalescent home, orphanage~~ 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. ~~Rest home, nursing home, convalescent home, orphanage~~ 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 ~~nursing homes~~ 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 for the ~~CT6 Urban Core and CT5 Urban Center transects~~ 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.

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20B.2 PERMITTED USES

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

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20B.4 PARKING

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2. *Non-residential uses:* For all non-residential uses other than ~~convalescent homes and nursing homes~~ assisted living facilities and skilled nursing facilities, one (1) space per one thousand (1,000) square feet of net floor area. For ~~convalescent homes and nursing homes~~ 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.

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SECTION 26 INDUSTRIAL DISTRICTS - GENERALLY

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26.5 MINIMUM YARDS

~~(Formerly Off Street Parking and Loading Requirements, Repealed 4-3-13)~~

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 18-26-7 Zoning Supplement #91, 6-3-15 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.

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SECTION 31 ADMINISTRATION AND ENFORCEMENT

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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.
- d. 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.

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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

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