

## **ORDINANCE NO. 02-18(2)**

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, ARTICLE II, BASIC REGULATIONS, ARTICLE IV, PROCEDURE, 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 IV, Procedure, of the Code of the County of Albemarle are amended and reordained as follows:

### **By Amending:**

Sec. 3.1	Definitions
Sec. 4.4	Visibility clearance at intersections
Sec. 4.6.1	Frontage and lot width measurements
Sec. 4.6.3	Lots, yards adjacent to streets and alleys
Sec. 4.6.4	Rear yards on interior lots
Sec. 4.11.2.1	Accessory structures
Sec. 5.1.39	Off-site employee parking for industrial use
Sec. 32.5	Preliminary site plan content

## **Chapter 18 Zoning**

### **Article I. General Provisions**

#### **Sec. 3.1 Definitions**

*Alley.* A form of vehicular travelway providing access to the rear and/or side lot line of abutting properties which front along public streets or private roads. An alley is privately owned and maintained, is intended to be used primarily by the owners and occupants of the abutting properties and persons and vehicles providing services to those properties, including emergency services vehicles, and is not intended for through traffic. An alley is neither a “private road” nor an “access easement,” as those terms are defined or used in this chapter and chapter 14. (Added 2-6-02)

*Driveway.* A form of vehicular access from a public street, private road or alley to the interior of a lot or parcel of land. (Added 2-6-02)

*Private road.* Any road, street, or other way or means of vehicular access to a lot that is not maintained by the Virginia Department of Transportation, regardless of ownership, approved as a private road pursuant to Albemarle County Code §§ 14-232 through 14-235 or any prior ordinance regulating the subdivision of land. Any road identified on a recorded plat as a restricted road, access road or other designation which was not approved by the county as a private road pursuant to chapter 14 or any prior ordinance of the county regulating the subdivision of land is not a private road as defined herein. (Added 2-6-02)

*Shared driveway.* A form of vehicular access to only two lots which have frontage on a public street or an approved private road and which are authorized pursuant to Albemarle County Code § 14-241. (Added 2-6-02)

### **Article II. Basic Regulations**

#### **Sec. 4.4 Visibility clearance at intersections**

For protection against traffic hazards, no material impediment to visibility shall be placed, allowed to grow, erected or maintained on any parcel so as to restrict sight distance at any intersection of any public street, private road or driveway, or at the intersection of any alley and public street or private road, below the minimum required by the Virginia Department of Transportation for such intersection. (Amended 9-9-92, 2-6-02)

#### **Sec. 4.6.1 Frontage and lot width measurements (Amended 7-20-88, 2-6-02)**

Lot frontage and the minimum lot width shall be established as follows:

- a. Except as otherwise provided in sections 4.6.1 and 4.6.6, every lot shall front on an existing public street, or a street dedicated by subdivision plat and maintained or designed and built to be maintained by the Virginia Department of Transportation, except that private roads shall be permitted in accordance with section 14-514 of Chapter 14 of the Code of Albemarle. (Amended 7-20-88, 2-6-02)
- b. Except as specifically permitted in this section, frontage shall not be less than required by the regulations of the district in which the lot or parcel is located. (Amended 2-6-02)
  1. Frontage on a public street cul-de-sac or on a private road cul-de-sac may be reduced provided that driveway separation shall be in accordance with Virginia Department of Transportation standards. (Amended 9-9-92, 2-6-02)
  2. For a lot located at the end of an access easement, frontage shall not be less than the full width of such easement. For a lot served by a shared driveway or alley, frontage shall be provided along a public street or private road. (Added 7-20-88, 2-6-02)
- c. Minimum lot width shall be at least the same distance as the frontage required for the district in which such lot is located. The depth of front and rear yards shall be established where minimum lot width is achievable but shall not be less in depth than required for the district in which such lot is located. Minimum lot width shall be maintained between the front and rear yard. Lot width shall not be reduced under section 4.6.1(b). (Amended 7-20-88; 9-9-92, 2-6-02)

#### **Sec. 4.6.3 Lots and yards adjacent to streets, alleys and shared driveways (Amended 2-6-02)**

Lots and yards adjacent to streets, alleys and shared driveways are subject to the following:

- a. Front yards of the depth required in the district shall be provided across the full width of the lot adjacent to the public street or private road. The depth of a required front yard shall be measured from the right-of-way line of the public street or private road so that the building line is equidistant from the public street or private road right-of-way at all points. Areas in parking bays shall not be considered as part of the public street or private road for purposes of determining front yard setback. In addition, if a shared driveway traverses a front yard, each primary structure also shall be located at least ten (10) feet from the edge of the shared driveway easement; if a shared driveway is concurrent with the shared lot line of the lots served by the shared driveway, each primary structure also shall be located at least six (6) feet from the edge of the shared driveway easement. (Amended 2-6-02)
- b. Other yards adjacent to public streets or private roads shall have a minimum depth, equal to the minimum front yard depth required in the district in which the lot is located. This provision shall apply to lots in the RA or residential districts only. The foregoing notwithstanding, section 10.4 shall apply as written and depth of individual yards to streets shall be determined by the nature of the individual street. (Amended 2-6-02)
- c. Street line for measurement of required yards adjacent to streets. Required yards and setbacks shall be measured from a line equidistant from the public street or private road right-of-way line(s) at all points. (Amended 2-6-02)
- d. A front yard shall be measured from the right-of-way of public streets, private roads and vehicular access easements except alley easements and shared driveway easements. (Amended 2-6-02)

#### **Sec. 4.6.4 Rear yards on interior lots**

Rear yards on interior lots shall be provided at the depth required for the district, and shall run across the full width of the lot at the rear. The depth of a required rear yard shall be measured in such a manner that the yard

is a strip of minimum depth required by district regulations with its inner edge parallel to its outer edge. If an alley abuts the rear yard, the required rear yard shall be measured from the edge of the alley right-of-way or easement. (Amended 2-6-02)

#### **Sec. 4.11.2.1 Accessory structures**

No structure shall be permitted in an easement in a way that adversely affects the easement. Accessory structures shall be erected no closer than six (6) feet to adjacent lot lines or, in the case of an alley easement or right-of-way or shared driveway easement, no closer than three (3) feet to the edge of the alley easement or right-of-way or the shared driveway easement. The director of planning and community development may authorize an accessory structure to be located closer to the edge of an alley easement or right-of-way if the director determines that, based upon the written recommendation of the county engineer, the proposed design incorporates features that assure public safety and welfare. The county engineer shall consider the provision of adequate access to required onsite parking and/or garages, unimpeded vehicular circulation along the alley, an adequate clear zone along the alley, and other safety issues deemed appropriate for the conditions. (Amended 2-6-02)

#### **Sec. 5.1.39 Off-site employee parking for industrial use**

In order to provide the minimum parking required by section 4.12 or to provide additional parking, off-site employee parking may be authorized only when: (1) the provision of on-site parking is not physically feasible or, when considering the general public interest, as opposed to the private interest of the applicant, is not physically desirable; (2) the proposed off-site parking is limited to employee use; (3) the provision of off-site parking does not change the character of the area surrounding the property on which the off-site parking is located, and does not require substantial alteration to roads; (4) alternate transportation opportunities have not eliminated the need for additional parking; and (5) the parcel on which the off-site parking is located is either contiguous with the parcel on which the industrial use being served is located, or if the two parcels are not contiguous, they are separated only by a public street, private road, or alley. (Amended 2-6-02)

To insure that the review of each application for a special use permit for off-site employee parking is consistent with this intent, each applicant shall comply with the following requirements:

- a. The applicant shall demonstrate that additional on-site parking is not physically feasible or physically desirable due to topographic constraints such as critical slopes and natural drainage features; wooded and buffer areas; unusual configuration of the lot or remaining undeveloped area on the lot; entrance corridor and/or landscaping requirements; stormwater management improvements; the location and visibility of the site; and other physical features of the property.
- b. The applicant shall demonstrate that he has made a determined effort to reduce reliance on single occupancy vehicle use by putting in place incentives and/or employee programs to encourage alternatives to single occupancy vehicles. Where public transit reasonably could be made available, the applicant should demonstrate that efforts have been made to coordinate routes and times with the public transportation service and the workforce hours.
- c. The parking lot shall be located, designed and constructed to reduce or eliminate significant visual impacts from all public streets, private roads and adjacent properties, and to reduce or eliminate other significant impacts to adjacent properties resulting from vehicular noise, dust, artificial lighting, glare, runoff, degradation of water quality and other similar disturbances.
- d. The applicant shall submit a conceptual plan or a site plan with his application for a special use permit. The plan shall show the approximate location of the parking lot on the property, its dimensions, its access to a public street, its distance from the off-site parking to the industrial site, and shall identify how persons will be transported or will transport themselves from the off-site parking to the building or use. The plan shall also show all features of the parking lot, which will insure that the parking lot will not adversely change the character of, or significantly impact, the area surrounding the property on which the parking lot is proposed, and will impact to the least extent practicable the property on which the parking lot is proposed. The features which shall be shown on the conceptual

plan or site plan, and which may be required as a condition of approval of a special use permit, include but are not limited to:

1. Visual or noise barriers such as earthen berms, the existing or planned terrain and/or vegetative screening;
  2. Proposed construction elements, which shall include elements which will minimize noise, light pollution, dust, glare, and runoff and which will protect water quality and protect trees designated to be preserved and will result in no significant degradation to the environment;
  3. A lighting plan which identifies the location and design of all outdoor light structures and fixtures, demonstrates that all outdoor lights comply with section 4.12.6.4 and demonstrates that all outdoor lights will be shielded in such a manner that all light emitted from the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane of the fixture; and
  4. Changes proposed to the entrance and public road, including any necessary road-widening, or grading and removal of trees to accommodate sight distance.
- e. The off-site parking and loading requirements set forth in section 4.12 shall apply to the off-site parking subject to this section, except as expressly provided otherwise therein.

#### **Article IV. Procedure**

##### **Sec. 32.5 Preliminary site plan content**

- 32.5.1 Sixteen (16) clearly legible blue or black line copies of a preliminary site plan shall be submitted to the department of planning and community development. (32.3.5, 1980; Amended 5-1-87)
- 32.5.2 If revisions are necessary, seven (7) full-sized revised copies and one (1) reduced revised copy no larger than eleven (11) inches by seventeen (17) inches shall be submitted by the revision deadline. (Added 5-1-87)
- 32.5.3 All waiver, variation and substitution requests in accordance with section 32.3.10 shall be submitted with the preliminary site plan and clearly state the specific items being requested for waiver, variation or substitution. (Added 5-1-87)
- 32.5.4 The preliminary site plan shall be dimensioned to the accuracy standards required in section 32.5.6.r. (Added 5-1-87)
- 32.5.5 The preliminary site plan shall be prepared to the scale of one (1) inch equals twenty (20) feet or to such scale as may be approved by the agent in a particular case; no sheet shall exceed forty-two (42) inches by thirty-six (36) inches in size. The preliminary site plan may be prepared on one (1) or more sheets. If prepared on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. The top of the sheet shall be approximately either north or east. (Added 5-1-87)
- 32.5.6 The preliminary site plan shall contain the following information:
- a. The name of the development; names of the owner, developer and individual who prepared the plan; tax map and parcel number; zoning; descriptions of all variances, zoning proffers and bonus factors applicable to the site; magisterial district; county and state; north point; scale; one datum reference for elevation (where section 30.3, flood hazard overlay district, is involved, United States Geological Survey vertical datum shall be shown and/or correlated to plan topography); the source of the topography; the source of the survey; sheet number and total number of sheets; date of drawing; date and description of latest revision; owner, zoning, tax map and parcel number and present use of adjacent parcels; departing lot lines; minimum setback lines, yard and building separation requirements; a vicinity sketch showing the

property and its relationship with adjoining streets, subdivisions and other landmarks; and boundary dimensions. (Added 5-1-87)

- b. Written schedules or data as necessary to demonstrate that the site can accommodate the proposed use, including: proposed uses and maximum acreage occupied by each use; maximum number of dwelling units by type; gross residential density; square footage of recreation area, percent and acreage of open space; maximum square footage for commercial and industrial uses; maximum number of employees; maximum floor area ratio and lot coverage if industrial; maximum height of all structures; schedule of parking including maximum amount required and amount provided; and maximum amount of impervious cover on the site; if a landscape plan is required, maximum amount of paved parking and vehicular circulation areas. (Added 5-1-87)
- c. If phasing is planned, phase lines and proposed timing of development. (Added 5-1-87)
- d. Existing topography (up to twenty [20] percent slope, maximum five [5] foot contours, over twenty [20] percent slope, maximum ten [10] foot contours). Proposed grading (maximum five [5] foot contours) supplemented where necessary by spot elevations; areas of the site where existing slopes are twenty-five (25) percent or greater. Existing topography for the entire site with sufficient offsite topography to describe prominent and pertinent offsite features and physical characteristics, but in no case less than fifty (50) feet outside of the site unless otherwise approved by the agent.
- e. Existing landscape features as described in section 32.7.9.4.c. (Added 5-1-87)
- f. The name and location of all watercourses and other bodies of water adjacent to or on the site. Indicate if the site is located within a reservoir watershed. (Added 5-1-87)
- g. Location of septic setback lines from watercourses including intermittent streams and other bodies of water. (Added 5-1-87)
- h. One hundred year flood plain limits as shown on the official flood insurance maps for Albemarle County. (Added 5-1-87)
- i. Existing and proposed streets, access easements, alley easements and rights-of-way, and travelways, together with street names, state route numbers, right-of-way lines and widths, centerline radii, and pavement widths. (32.4.5, 1980; Amended 5-1-87, 2-6-02)
- j. Location and size of: existing water and sanitary sewer facilities and easements; storm sewer facilities, drainage channels; and drainage easements. (Added 5-1-87)
- k. Proposed conceptual lay-out for water and sanitary sewer facilities and storm drainage facilities including storm detention ponds or structures, indicating direction of flow in all pipes and watercourses with arrows. (Added 5-1-87)
- l. Location of other existing and proposed utilities and utility easements. (Added 5-1-87)
- m. Location of existing and proposed ingress to and egress from the property, showing the distance to the centerline of the nearest existing street intersection. (Added 5-1-87)
- n. Location and dimensions of all existing and proposed improvements including: buildings (maximum footprint and height) and other structures; walkways; fences; walls; trash containers; outdoor lighting; landscaped areas and open space; recreational areas and facilities; parking lots and other paved areas; loading and service areas together with the proposed paving material types for all walks, parking lots and driveways; and signs. (Added 5-1-87)

- o. All areas intended to be dedicated or reserved for public use. (Added 5-1-87)
- p. Landscape plan in conformance with section 32.7.9 if required. (Added 5-1-87)
- q. Where deemed appropriate by the agent due to the intensity of development, estimated traffic generation figures for the site based upon current Virginia Department of Transportation rates. Indicate the estimated vehicles per day and direction of travel for all connections to a public road. (Added 5-1-87)
- r. The preliminary site plan shall be dimensioned to at least the following standards for accuracy:
  - 1. Boundary, setback and zoning lines - one foot in one thousand (1:1,000) feet;
  - 2. Existing contours - one-half (½) of the contour interval required in section 32.5.6.d above;
  - 3. Proposed contours - within five (5) feet horizontally and vertically;
  - 4. Existing structures, utilities and other topographic features - within five (5) feet;
  - 5. Proposed structures, roads, parking lots and other improvements - within five (5) feet. (Added 5-1-87)
- s. The agent or the commission may require additional information to be shown on the preliminary site plan as deemed necessary in order to provide sufficient information for the agent or the commission to adequately review a the preliminary site plan. (Added 5-1-87)

I, Ella W. Carey, 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. Bowerman	_____	_____
Mr. Dorrier	_____	_____
Mr. Martin	_____	_____
Mr. Perkins	_____	_____
Mr. Rooker	_____	_____
Ms. Thomas	_____	_____