ORDINANCE NO. 21-18(__)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, AND 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, and Article IV, Procedure, are hereby amended and reordained as follows:

By Repealing:
Sec. 2.5 (Procedures for administrative waivers)

By Amending:
Sec. 4.2 (Critical slopes)
Sec 4.2.2 (Building site area and dimensions)
Sec. 4.2.5 (Modification or waiver)
Sec. 4.6.6 (Lot access requirements)
Sec. 4.10.2.1 (Fire protection)
Sec. 4.10.2.2 (Aerial navigation)
Sec. 4.10.3.1 (Exceptions—Excluded from application)
Sec. 4.10.3.2 (Exceptions—Limited)
Sec. 4.12.2 (Applicability)
Sec. 4.12.13 (Loading areas)
Sec. 4.12.15 (Minimum design requirements and improvements for parking areas)
Sec. 4.12.16 (Minimum design requirements and improvements for parking spaces within parking areas or parking bays)
Sec. 4.12.17 (Minimum design requirements and improvements for vehicle access aisles)
Sec. 4.17.5 (Modification or waiver)
Sec. 4.18.07 (Modification or waiver)
Sec. 5.1 (Supplementary regulations)
Sec. 5.1.24 (Subordinate retail sales)
Sec. 5.1.32 (Towing and temporary storage of motor vehicles)
Sec. 5.1.46 (Small wind turbines)
Sec. 5.2A (Home occupations in the rural areas zoning district)
Sec. 8.5.5.3 (Variations from approved plans, codes, and standards of developments)
Sec. 20B.3 (Area and bulk regulations)
Sec. 20B.7 (Sidewalks and street trees)

~~*Sec. 2.5 Procedures for administrative waivers.*~~
~~Applications for administrative waivers submitted pursuant to sections 4.2.5, 21.7, 26.10 and 32.2 shall be processed as follows:~~

~~a. *Application*. A developer or subdivider requesting a waiver shall file a written request with the department of community development stating the reason for the waiver and explaining why the request satisfies one or more of the applicable standards and findings in sections 4.2.5, 21.7, 26.10 or 32.2.~~

~~b. *Notice to board, commission and abutting owners*. When an application for an administrative waiver is submitted, the agent shall send notice by first class mail, electronic mail ("e-mail") or by personal de-livery to each member of the board of supervisors, the commission and to the owner of each lot~~

~~abutting the lot for which the waiver is sought. The notice shall describe the proposed waiver, the name, address, email address and telephone number of the agent, the location where any documents submitted with the waiver request may be viewed, and the date by which the agent will act on the request. The notice also shall advise each recipient of the right to request review of the waiver request by the commission and the date by which the review must be requested. The notice shall be mailed, sent or hand delivered at least five days prior to the date by which the agent will act on the waiver request. Notice that is mailed to the owner of each lot abutting the lot for which the waiver is sought shall be mailed to the last known address of the owner. Mailing the notice to the address shown on the current real estate tax assessment records of the county shall be deemed compliance with this requirement. If a lot abutting the lot for which the waiver is sought is owned by the same owner, the notice shall be given to the owner of the next abutting property not owned by that owner. The failure of any person to receive the notice required by this subsection shall not affect the validity of a waiver, if granted.~~

~~c. *Request for commission review*. An abutting owner or a member of the board of supervisors or the commission may request commission review of a waiver. Any request shall be in writing, shall state the reasons that commission review is requested, and shall be received by the agent by the date stated in the notice. A written request may be submitted either by regular mail, by email, or by hand delivery.~~

~~d. *Procedure if commission review requested*. If review of a waiver by the commission is timely requested, the commission shall review and act on the waiver request within 30 days of the date of the request for review. In its review and action on the waiver, the commission shall apply the applicable standards and findings in sections 4.2.5, 21.7, 26.10 or 32.2. In granting a waiver, the commission may impose such conditions deemed necessary to protect the public health, safety, or welfare.~~

~~e. *Appeals*. The denial of a waiver, or the approval of a waiver with conditions objectionable to the developer or subdivider, may be appealed from the agent or the commission to the commission or the board, as the case may be, as an appeal of a denial of the plat, as provided in section 14-226 of the Code, or the site plan, as provided in sections 32.4.2.7 or 32.4.3.9, to which the waiver pertains. A waiver considered by the commission in conjunction with an application for a special use permit shall be subject to review by the board of supervisors. In considering a waiver on appeal, the commission or the board may grant or deny the waiver based upon the applicable standards and findings in sections 4.2.5, 21.7, 26.10 or 32.2, amend any condition imposed by the agent or the commission, and impose any conditions deemed necessary to protect the public health, safety, or welfare.~~

~~f. *Waivers include modifications*. For the purposes of this section 2.5, the term "waiver" or any form thereof, includes the term "modification" as used in this chapter.~~

~~(Ord. 09-18(1) , 1-14-09)~~

Sec. 4.2 Critical slopes.

The provisions in this section through section 4.2.5 implement the comprehensive plan by protecting and conserving steep hillsides together with public drinking water supplies and flood plain areas because of the increased potential for soil erosion, sedimentation, water pollution and sewage disposal problems associated with the disturbance of critical slopes. The disturbance of critical slopes may result in: rapid and/or large-scale movement of soil and rock; excessive stormwater run-off; siltation of natural and man-made bodies of water; loss of aesthetic resource; and in the event of onsite sewage system failure, a greater travel distance of septic effluent, all of which constitute potential dangers to the public health, safety and/or welfare. The regulations in sections 4.2.1, 4.2.2, 4.2.3 and 4.2.4 are intended to direct

building and onsite sewage system locations to terrain more suitable to development and to discourage development on critical slopes, and to supplement other regulations regarding the protection of public water supplies and encroachment of development into flood plains.

Each request to waive or modify any requirement of sections 4.2.1, 4.2.2, 4.2.3 or 4.2.4 under section 4.2.5 shall be by special exception under section ~~31.8~~ 33.5.

(§ 20-4.2, 12-10-80; 11-15-89; § 18-4.2, Ord. 98-A(1), 8-5-98; Ord. 12-18(4) , 7-11-12)

Sec. 4.2.1 Building site required.

No lot other than a special lot shall have less than one building site, subject to the following:

a. *Composition of building site*. A building site shall be composed of a contiguous area of land and may not contain any area of land that is: (i) in critical or preserved slopes; (ii) within the flood hazard overlay district; (iii) under water during normal hydrological conditions; (iv) within 200 horizontal feet of the 100-year flood plain of any public water supply reservoir; and (v) within a stream buffer under chapter 17 of the Code, provided that nothing contained herein shall be deemed to prohibit or impair the program authority from exercising its discretion as authorized in chapter 17 .

b. *Special exception*. Notwithstanding section 4.2.5, any requirement of section 4.2.1(a) may be waived or modified by special exception under section 33.5 upon the board of supervisors' consideration of whether (i) the parcel has an unusual size, topography, shape, location or other unusual physical condition; or (ii) development in a stream buffer on the parcel was authorized as provided in section 17-321 of the Code.

(§ 20-4.2.1, 12-10-80; 11-11-87; 9-9-92; § 18-4.2.1, Ord. 98-A(1), 8-5-98; Ord. 11-18(6) , 6-1-11; Ord. 12-18(4) , 7-11-12; Ord. 14-18(2) , 3-5-14)

State law reference(s)—Va. Code §§ 15.2-2280 , 15.2-22

Each building site shall be subject to the following minimum area and dimension requirements:

a. *Uses not served by a public or central sewage system*. Building sites for uses not served by a public or central sewage system shall be subject to the following:

1. *Dwelling units*. Each building site for a dwelling unit shall have an area of 30,000 square feet or greater and shall be of such dimensions that no one dimension exceeds any other by a ratio of more than five to one as described by a rectangle inscribed within the building site. The building site shall have adequate area for locating two subsurface drainfields approved by the Virginia Department of Health if the lot will be served by a conventional onsite sewage system.

2. *Development subject to section 32 of this chapter*. Each building site in a development subject to section 32 of this chapter shall have an area of 30,000 square feet or greater and shall be of such dimensions that no one dimension exceeds any other by a ratio of more than five to one as described by a rectangle inscribed within the building site. The building site shall have adequate area for all buildings and structures, two subsurface drainfields approved by the Virginia Department of Health if the lot will be served by a conventional onsite sewage system, parking and loading areas, storage yards and other improvements, and all earth disturbing activity related to the improvements.

3. *Special exception.* Notwithstanding section 4.2.5, the rectangular shape required by subsections (1) and (2) may be waived or modified by special exception under section ~~31.8~~ 33.5 upon the board of supervisors' consideration of the recommendation from the Virginia Department of Health and information provided by the developer showing that: (i) the parcel has an unusual size, topography, shape, location or other unusual physical condition; (ii) no reasonable alternative building site exists; and (iii) modifying or waiving the rectangular shape would result in less degradation of the parcel or adjacent parcels than if those dimensions were adhered to.

b. *Uses served by a central sewage system*. Building sites for uses served by a central sewage system shall be demonstrated by the applicant to have adequate area, as follows:

1. *Residential development*. Each building site in a residential development shall have adequate area for all dwelling unit(s) together with an area equivalent to the sum of the applicable required yard areas for the applicable zoning district and, if parking is provided in bays, the parking area.

2. *Development subject to section 32 of this chapter*. Each building site in a development subject to section 32 of this chapter shall have adequate area for all structures, parking and loading areas, storage yards and other improvements, and all earth disturbing activity related to the improvements.

(§ 20-4.2.2, 12-10-80; §§ 20-4.2.2, 20-4.2.2.1, 11-15-89; §§ 18-4.22, 18-4.2.2.1, Ord. 98-A(1), 8-5-98; Ord. 01-18(7) , 10-17-01; Ord. 12-18(4) , 7-11-12)

Sec. 4.2.3 Location of structures and improvements.

Except as otherwise provided in section 4.2.2, this section applies to the location of any structure for which a permit is required under the Uniform Statewide Building Code and to any improvement shown on a site plan pursuant to section 32 of this chapter or to the placement of clean earth fill or inert waste fill.

a. No structure or improvement shall be located on any lot or parcel in any area other than a building site.

b. No structure, improvement, land disturbing activity to establish a structure or improvement, or placement of clean earth fill or inert waste fill shall be located on critical or preserved slopes except as otherwise permitted under sections 4.2.5, 4.2.6, 4.3.1 and 30.7.4.

(§ 20-4.2.3, 12-10-80, 11-15-89; § 18-4.2.3, Ord. 98-A(1), 8-5-98; Ord. 01-18(7) , 10-17-01; § 20-4.2.3.1, 12-10-80, 11-15-89, § 18-4.2.3.1, Ord. 98-A(1), 8-5-98; § 4.2.3.2, 12-10-80, § 18-4.2.3.2, Ord. 98-A(1), 8-5-98; § 18-4.2.3, Ord. 12-18(4) , 7-11-12; Ord. 14-18(2) , 3-5-14; Ord. 20-18(3) , 9-16-20)

State law reference(s)—Va. Code § 15.2-2280 .

Secs. 4.2.3.1, 4.2.3.2 (Repealed 7-11-12)

Sec. 4.2.4 Location of onsite sewage systems.

In the review for and issuance of a permit for the installation of an onsite sewage system, the Virginia Department of Health should be mindful of the intent of section 4.2, and particularly mindful of the intent to discourage onsite sewage systems on slopes of 20 percent or greater. Any onsite sewage system shall be located within a building site.

(§ 20-4.2.4, 12-10-80; 11-1-87; 9-9-92; § 18-4.2.4, Ord. 98-A(1), 8-5-98; Ord. 12-18(4) , 7-11-12)

Sec. 4.2.5 Modification or waiver.

Any requirement of section 4.2.1, 4.2.2, 4.2.3 or 4.2.4 may be modified or waived by special exception of the Board of Supervisors as provided in section 33.5 and herein:

a. *Modification or waiver ~~by the commission~~* generally. The ~~commission~~ Board of Supervisors may modify or waive any requirement ~~that is not subject to an administrative waiver~~ as provided in subsection (b), as follows:

    1. *Request*. A developer or subdivider requesting a modification or waiver shall file a written request in accordance with section 32.3.10(d) of this chapter and identify and state how the request would satisfy one or more of the findings set forth in subsection 4.2.5(a)(3). If the request pertains to a modification or waiver of the prohibition of disturbing slopes of 25 percent or greater (hereinafter, "critical slopes"), the request also shall state the reason for the modification or waiver, explaining how the modification or waiver, if granted, would address the rapid and/or large-scale movement of soil and rock, excessive stormwater run-off, siltation of natural and man-made bodies of water, loss of aesthetic resources, and, in the event of septic system failure, a greater travel distance of septic effluent (collectively referred to as the "public health, safety, and welfare factors") that might otherwise result from the disturbance of critical slopes.

    2. *Consideration of recommendation; determination by county engineer*. In reviewing a request for a modification or waiver, the ~~commission~~ Board of Supervisors shall consider the recommendation of the agent as to whether any of the findings set forth in subsection 4.2.5(a)(3) can be made by the commission. If the request pertains to a modification or waiver of the prohibition of disturbing critical slopes, the ~~commission~~ Board of Supervisors shall consider the determination by the county engineer as to whether the developer or subdivider will address each of the public health, safety and welfare factors so that the disturbance of the

critical slopes will not pose a threat to the public drinking water supplies and flood plain areas, and that soil erosion, sedimentation, water pollution and septic disposal issues will be mitigated to the satisfaction of the county engineer. The county engineer shall evaluate the potential for soil erosion, sedimentation and water pollution that might result from the disturbance of slopes of 25 percent or greater in accordance with the current provisions of the Virginia Department of Transportation Drainage Manual, the Commonwealth of Virginia Erosion and Sediment Control Handbook and Virginia State Water Control Board best management practices, and where applicable, Chapter 17 , Water Protection, of the Code.

3. *Findings*. The ~~commission~~ Board of Supervisors may grant a modification or waiver under this subsection (a) if it finds that the modification or waiver would not be detrimental to the public health, safety or welfare, to the orderly development of the area, or to adjacent properties; would not be contrary to sound engineering practices; and at least one of the following:

   a. Strict application of the requirements of section 4.2 would not forward the purposes of this chapter or otherwise serve the public health, safety or welfare;

   b. Alternatives proposed by the developer or subdivider would satisfy the intent and purposes of section 4.2 to at least an equivalent degree;

   c. Due to the property's unusual size, topography, shape, location or other unusual conditions, excluding the proprietary interest of the developer or subdivider, prohibiting the disturbance of critical slopes would effectively prohibit or unreasonably restrict the use of the property or would result in significant degradation of the property or adjacent properties; or

   d. Granting the modification or waiver would serve a public purpose of greater import than would be served by strict application of the regulations sought to be modified or waived.

4. *Conditions*. In granting a modification or waiver, the ~~commission~~ Board of Supervisors may impose conditions deemed necessary to protect the public health, safety or welfare and to insure that the development will be consistent with the intent and purposes of section 4.2.

~~5. *Appeal*. The board of supervisors shall consider a modification or waiver as follows:~~

   ~~a. The denial by the commission of a modification or waiver, or the approval of a modification or waiver by the commission with conditions objectionable to the developer or subdivider, may be appealed to the board of supervisors as an appeal of a denial of the plat, as provided in section 14-226 of the Code, or the site plan, as provided in section 32.4.2.7 or 32.4.3.9, to which the modification or waiver pertains. A modification or waiver considered by the commission in conjunction with an application for a special use permit shall be subject to review by the board of supervisors.~~

   ~~b. In considering a modification or waiver, the board may grant or deny the modification or waiver based upon the findings set forth in subsection 4.2.5(a)(3), amend any condition imposed by the commission, and impose any conditions it deems necessary for the reasons set forth in subsection 4.2.5(a)(4).~~

b. *Waivers under specified circumstances* ~~*by the agent*~~. ~~In accordance with the procedures stated in section 2.5 of this chapter,~~ ~~the agent~~ The Board of Supervisors may waive the prohibition of disturbing critical slopes on any parcel not within the Rural Areas (RA), Monticello Historic District (MHD) or Village Residential (VR) zoning districts in the following circumstances: (i) the critical

slopes were created during the development of the property pursuant to a site plan approved by the county; or (ii) the critical slopes will be disturbed to replace an existing structure located on the critical slopes and the extent of the disturbance is the minimum necessary to replace the existing structure with a new structure whose footprint does not exceed the footprint of the existing structure. The ~~agent~~ Board of Supervisors may grant a waiver under this subsection (b) if ~~he or she~~ it finds that:

1. The property is not identified in the open space plan as one having any protected resources and a field inspection has confirmed that there are no significant or critical features on the property identified for protection in the open space plan;
2. There is no reasonable alternative that would eliminate or reduce the disturbance of critical slopes;
3. The developer or subdivider submitted and obtained approval from the program authority of an erosion and sediment control plan, regardless of whether the area disturbed is less than 10,000 square feet; and
4. The developer or subdivider submitted and obtained approval from the county engineer of a plan that describes how the movement of soil and rock, stormwater runoff, siltation of natural and man-made bodies of water, the loss of aesthetic resources identified in the open space element of the comprehensive plan and, in the event of the failure of a treatment works and subsurface drainfield, a greater travel distance of septic effluent, will be mitigated through design, construction techniques, revegetation, stormwater management and other best management practices.

(§ 20-4.2.5, 12-10-80, 11-15-89; § 18-4.2.5, Ord. 98-A(1), 8-5-98; Ord. 01-18(4) , 5-9-01; Ord. 09-18(1) , 1-14-09)

Sec. 4.6.6 Lot access requirements.

Vehicular access on a lot shall be provided as follows:

a. In all zoning districts, a structure requiring a permit under the Uniform Statewide Building Code may be established only on a lot having frontage on a public or private street as authorized by the subdivision ordinance, except that this requirement shall not apply to lots lacking such frontage on the effective date of this chapter.

b. In the rural areas zoning district, in addition to the requirements in subsection (a) and in order to provide public safety vehicles with safe and reasonable access to a new dwelling unit on a lot, each driveway that will serve a new dwelling unit: (1) shall not exceed a 16 percent grade; (2) shall have a travelway that is at least ten feet in width; (3) shall extend to within 50 feet of each dwelling unit on the lot; and (4) shall include a rectangular zone superjacent to the driveway that is clear of all obstructions, including any structures and vegetation, that is at least ten feet in width and 14 feet in height. The landowner shall demonstrate to the satisfaction of the county engineer that the driveway will meet the requirements of this subsection before a building permit is issued.

c. Notwithstanding the requirements of subsection (b), the county engineer, with the recommendation of the fire marshal, may authorize a driveway having a grade that exceeds 16 percent if the landowner demonstrates to the satisfaction of the county engineer and the fire marshal that public safety vehicles would be able to access the dwelling unit even though the grade may exceed 16

percent. In considering a waiver request, the ~~county engineer and the fire marshal shall~~ Board of Supervisors consider: (1) the length of the segment of the driveway that would exceed 16 percent; (2) whether the segment that would exceed 16 percent would require the public safety vehicle to travel uphill towards the dwelling unit; (3) whether fire suppression equipment such as sprinklers would be installed within the dwelling unit; and (4) whether the dwelling unit is within 50 feet of a public or private street. In authorizing such a grade, the ~~county engineer~~ Board of Supervisors may impose reasonable conditions to assure that the public safety vehicles may access the dwelling unit including, but not limited to, a condition limiting the maximum length any segment of the driveway may exceed 16 percent.

~~1. The landowner may appeal the disapproval of a waiver under subsection (c), or the approval of a waiver with conditions objectionable to the landowner, to the commission. The appeal shall be in writing and be filed with the department of community development within ten days after the date of the county engineer's and the fire marshal's decision. In reviewing a waiver request, the commission may approve or disapprove the waiver based upon the applicable factors in subsection (c), amend any condition imposed by the county engineer and fire marshal, and impose any conditions it deems necessary to assure that public safety vehicles may access the dwelling unit. In so doing, the commission shall give due consideration to the recommendations of the county engineer and the fire marshal. In addition, the commission may consider such other evidence as it deems necessary for a proper review of the waiver request.~~

~~2. The landowner may appeal the decision of the commission to the board of supervisors under the same procedure and subject to the same standards as an appeal to the commission set forth herein.~~

d. Any lot which was lawfully a lot of record on the effective date of subsection (b) shall be exempt from the requirements of that subsection for the establishment of the first single-family detached dwelling unit on the lot if the county engineer determines that those requirements would prohibit the practicable development of the lot for that first single-family detached dwelling unit.

(§ 20-4.6.6, 12-10-80; 5-21-86; § 18-4.6.6, Ord. 98-A(1), 8-5-98; Ord. 08-18(1) , 2-6-08)

Sec. 4.10.2.1 Fire protection.

No building exceeding 35 feet in height above grade shall be erected without certification from the Albemarle County fire official that such building, as proposed to be located, constructed and equipped, and particularly occupants of upper stories, can be properly protected in case of fire. In the case of structures other than buildings exceeding 35 feet in height, the ~~commission~~ Board of Supervisors may require such certification where a determination is made that there is substantial fire danger to such structure or to surrounding properties.

Sec. 4.10.2.2 Aerial navigation.

No building or other structure shall be located in a manner or built to a height which constitutes a danger to aerial navigation. In such case where the ~~commission~~ Board of Supervisors believes a danger to navigation may result, such structure shall not be located or erected without certification from the Federal Aviation Administration and the Virginia Department of Aviation that such structure will not reasonably constitute a danger to air traffic. No building or structure exceeding 150 feet in height above ground level

(AGL) shall be located or erected until certification for the same has been obtained from the Virginia Department of Aviation.

Sec. 4.10.3 Height limitation—Exceptions.

The following exceptions to height limitations for certain buildings and structures shall be permitted provided that no building or structure shall be exempt from the requirements of section 4.10.2.2.

Sec. 4.10.3.1 Exceptions—Excluded from application.

The structures identified below shall be subject to height limitations as follows:

a. The height limitations of this chapter shall not apply to barns, silos, farm buildings, agricultural museums designed to appear as traditional farm buildings, residential chimneys, spires, flag poles, monuments, transmission towers and cables, smokestacks, water tanks, or radio or television antennas or towers.

b. Any structure identified in subsection (a), other than one now or hereafter located on an existing public utility easement, shall not: (1) be located closer in distance to any lot line than the height of the structure; and (2) within a residential district, exceed 100 feet in height, except for telecommunications facilities owned or operated in whole or in part by the county, which shall not exceed 115 feet in height.

c. The ~~commission~~ Board of Supervisors may modify or waive either requirement of subsection (b) in an individual case if it determines that the public health, safety or welfare would be equally or better served by the modification or waiver. In granting such modification or waiver, the ~~commission~~ Board of Supervisors may impose such conditions as it deems necessary to protect the public health, safety or welfare.

d. The board of supervisors shall consider a modification or waiver of this subsection only as follows:

   ~~1. The denial of a modification or waiver, or the approval of a modification or waiver with conditions objectionable to the developer may be appealed to the board of supervisors as an appeal of a denial of the plat, as provided in section 14-226 of the Code, or the site plan, as provided in sections 32.4.2.7 or 32.4.3.9, to which the modification or waiver pertains. A modification or waiver considered by the commission in conjunction with an application for a special use permit shall be subject to review by the board of supervisors.~~

   2. In considering a modification or waiver, the board may grant or deny the modification or waiver based upon the finding set forth in subsection (c), ~~amend any condition imposed by the commission,~~ and impose any conditions it deems necessary for the reasons set forth in subsection (c).

(12-10-80; 12-20-89; Ord. 01-18(4) , 5-9-01; Ord. 01-18(5) , 5-16-01)

Sec. 4.10.3.2 Exceptions—Limited.

The following structures are excepted from the height limitations in the applicable zoning districts:

a. Towers, gables, penthouses, scenery lofts, cupolas, similar structures and necessary mechanical appurtenances may be erected on a building to a height 20 percent greater than the limit established

for the district in which the building is located, provided that no such exception shall be used for sleeping or housekeeping purposes or for any commercial or industrial purpose; and provided further that access by the general public to any such area shall be expressly prohibited.

b. Poles that support outdoor luminaires for lighting athletic facilities, subject to approval of a modification by the ~~commission~~ Board of Supervisors as provided in section 4.17.5(1)(3).

(12-10-80; Ord. 08-18(5) , 7-9-08)

Sec. 4.12.2 Applicability.

The regulations of section 4.12 shall apply as follows:

a. *General applicability*. Except as provided in section 4.12.3, these parking, stacking and loading regulations shall apply to: (1) each new use or structure approved after the date of adoption of these regulations; and (2) each change or intensification of any use that necessitates additional parking, but only to the extent of the additional parking. Each use or structure to which these regulations apply shall be subject to the following:

   1. All parking areas having four or more spaces, regardless of whether the number of spaces exceeds the applicable minimum number required by sections 4.12.6 or 4.12.7, and all stacking and loading areas, shall satisfy the minimum specifications for parking area design required in section 4.12.15.

   2. Neither a certificate of occupancy nor a zoning compliance clearance shall be issued until the zoning administrator determines that the required parking, stacking and loading improvements have been completed and are operational for the use or structure for which the improvements are required.

   3. All parking spaces provided in excess of the minimum number of spaces required by sections 4.12.6 and 4.12.7 shall comply with the requirements of this section 4.12 and section 32.

b. *Exceptions*. These parking, stacking and loading regulations shall not apply to parking, stacking or loading spaces for uses or structures approved by the county in a valid preliminary or final site plan or a valid preliminary or final subdivision plat prior to the date of adoption of section 4.12, regardless of whether those spaces have been constructed or otherwise established.

c. *Modification or waiver*. The limitation on the maximum number of parking spaces required by subsection 4.12.4(a) and the design requirements in sections 4.12.15, 4.12.16, 4.12.17, 4.12.18 and 4.12.19 may be modified or waived, and in any commercial or industrial zoning district the minimum number of parking spaces required by section 4.12.6 may be modified, in an individual case if the ~~zoning administrator~~ Board of Supervisors finds that the public health, safety or welfare would be equally or better served by the modification or waiver and that the modification or waiver would not otherwise be contrary to the purpose and intent of this chapter.

   1. For each request to modify the minimum number of parking spaces required by section 4.12.6, the developer shall submit a study prepared by a transportation planner, traffic consultant, licensed engineer or architect justifying the modification. The study shall include the following: (i) a calculation of the number of off-street parking spaces required by section 4.12.6; (ii) the total square footage of all uses within the existing and proposed development and the square footage devoted to each type of use therein; (iii) trip generation rates expected for the uses within the existing and proposed development; (iv) data pertaining to a similar use or uses and the associated parking needs; (v) the developer's plan to provide alternative solutions to off-street parking on the lot; (vi) the developer's plan to provide incentives for

employees to use transportation modes other than single-occupancy motor vehicles; and (vii) an amended site plan, or if no site plan exists, a schematic drawing, demonstrating that the number of off-street parking spaces required by section 4.12.6 can be established on the lot, and showing which spaces would not be established if the modification is granted.

2. The ~~zoning administrator~~ Board of Supervisors may modify or waive a design requirement in sections 4.12.15, 4.12.16, 4.12.17, 4.12.18 and 4.12.19 only after consultation with the county engineer, who shall advise the zoning administrator whether the proposed waiver or modification would equally or better serve the public health, safety or welfare.

3. In granting a modification or waiver, the ~~zoning administrator~~ Board of Supervisors ~~-~~may impose such conditions as deemed necessary to protect the public health, safety or welfare. In granting a request to modify the minimum number of parking spaces required by section 4.12.6, the ~~zoning administrator~~ Board of Supervisors may also require that the developer reserve an area on the lot equal to the reduced number of parking spaces for a specified period, and under conditions, imposed by the zoning administrator.

d. *Review of modification or waiver*. The denial of a modification or waiver, or the approval of a modification or waiver with conditions objectionable to the developer may be considered by the ~~commission~~ Board of Supervisors as part of its review of: (1) a plat, as provided in sections 14-220 and 14-225 of the Code; (2) a site plan, as provided in sections 32.4.2.6 and 32.4.3.6; or (3) a special use permit. The board of supervisors shall consider a modification or waiver only as follows:

1. The denial of a modification or waiver, or the approval of a modification or waiver with conditions objectionable to the developer may be appealed to the board of supervisors as an appeal of a denial of the plat, as provided in section 14-226 of the Code, or the site plan, as provided in sections 32.4.2.7 or 32.4.3.9, to which the modification or waiver pertains. A modification or waiver considered by the commission in conjunction with an application for a special use permit shall be subject to review by the board of supervisors.

2. In considering a modification or waiver, the board may grant or deny the modification or waiver based upon the finding set forth in subsection (c), amend any condition imposed by the commission, and impose any conditions it deems necessary for the reasons set forth in subsection (c).

(§ 4.12.2, 12-10-80; Ord. 03-18(1) , 2-5-03)

Sec. 4.12.13 Loading areas.

Off-street loading areas shall be provided as follows:

a. Loading spaces shall be provided on the same lot with the use to which it is appurtenant and shall be adjacent to the structure it serves.

b. Loading spaces shall be designed so as not to impede any required parking spaces, or any pedestrian or vehicular circulation.

c. Loading spaces shall be provided in addition to and exclusive of any parking requirement on the basis of: (1) one space for the first 8,000 square feet of retail gross leasable area, plus one space for each additional 20,000 square feet of retail gross leasable area; (2) one space for the first 8,000 square feet of office space plus one space for each additional 20,000 square feet of office space; or (3) one space for the first 10,000 square feet of industrial floor area plus one space for each additional 20,000 square feet of industrial floor area.

d. Additional loading spaces may be required or requested during review of the site plan.

e. Each site plan that depicts a commercial or industrial building of 4,000 gross square feet or more shall provide a dumpster pad that does not impede any required parking or loading spaces, nor any pedestrian or vehicular circulation aisles.

f. The requirements of this subsection may be modified or waived in an individual case if the ~~zoning administrator~~ Board of Supervisors, in consultation with the county engineer, finds that the public health, safety or welfare would be equally or better served by the modification or waiver; that the modification or waiver would not be a departure from sound engineering and design practice; and that the modification or waiver would not otherwise be contrary to the purpose and intent of this chapter. In granting a modification or waiver, the ~~zoning administrator~~ Board of Supervisors may impose such conditions as deemed necessary to protect the public health, safety or welfare.

~~The denial of a modification or waiver, or the approval of a modification or waiver with conditions objectionable to the developer may be considered by the commission as part of its review of: (1) a plat, as provided in sections 14-220 and 14-225 of the Code; (2) a site plan, as provided in sections 32.4.2.6 and 32.4.3.6; or (3) a special use permit.~~

~~The board of supervisors shall consider a modification or waiver of any requirement of this subsection only as follows:~~

~~1. The denial of a modification or waiver, or the approval of a modification or waiver with conditions objectionable to the developer may be appealed to the board of supervisors as an appeal of a denial of the plat, as provided in section 14-226 of the Code, or the site plan, as provided in sections 32.4.2.7 or 32.4.3.9. A modification or waiver considered by the commission in conjunction with an application for a special use permit shall be subject to review by the board of supervisors.~~

~~2. In considering a modification or waiver, the board may grant or deny the modification or waiver based upon the finding set forth in subsection (h), amend any condition imposed by the commission, and impose any conditions it deems necessary for the reasons set forth in subsection (h).~~

(§ 4.12.7, 12-10-80; Ord. 01-18(4) , 5-9-01; Ord. 03-18(1) , 2-5-03)

Sec. 4.12.15 Minimum design requirements and improvements for parking areas.

The following design requirements and minimum improvements shall be provided for all off-street parking areas consisting of four or more parking spaces:

a. *Surface materials*. All parking areas consisting of four or more spaces shall be surfaced. The surface materials for parking areas and access aisles shall be subject to review and approval by the county engineer, based upon the intensity of usage and Virginia Department of Transportation pavement design guidelines and specifications. The county engineer may approve the use of alternative surfaces deemed equivalent in regard to strength, durability, sustainability and long term maintenance for the intensity of the use.

b. *Grading and drainage systems.* Parking area grading and drainage systems shall be designed and constructed to minimize, to the greatest extent practical, the amount of surface runoff exiting or entering through entrances to public streets.

c. *Maximum grade*. The maximum grade for parking spaces, loading spaces, and access aisles abutting parking or loading spaces shall not exceed five percent in any direction.

d. *Sight distance.* Minimum intersection sight distance for internal intersections of access aisles, intersections of access aisles and pedestrian ways, and access aisles around buildings shall not be less than 100 feet. The county engineer may increase this minimum, if the travel speed is anticipated to exceed ten miles per hour, to a sight distance commensurate with the anticipated travel speed. If the county engineer anticipates that travel speeds of 20 miles per hour or greater may be reasonably achieved along a primary travelway serving a development, he may require that the travelway comply with the private road horizontal and vertical standards stated in Table A of section 14-514 of the Code for the anticipated traffic volume. Sight distance shall be measured as provided in Section 602 of the Albemarle County Design Standards Manual.

e. *Accessibility to loading spaces, loading docks and dumpsters*. Parking areas shall be designed so that all loading spaces, loading docks, and dumpsters are accessible by delivery and service vehicles when all parking spaces are occupied.

f. *Protective barriers and design*. When deemed necessary and reasonable to assure that safe and convenient access is provided, the county engineer may require: (1) raised traffic islands at the ends of parking rows to protect parked vehicles and to prohibit parking in unauthorized areas; (2) traffic islands and other such traffic control devices; and (3) a design that provides no parking along the accessways providing the principal ingress, egress and circulation on the site.

g. *Curb and gutter in parking areas and along travelways*. Curbs shall be established at the edges of parking areas or access aisles in the following circumstances: (1) in all commercial or institutional developments requiring eight or more parking spaces; (2) in all multi-family dwelling and townhouse developments requiring eight or more parking spaces; (3) where necessary to control or direct stormwater runoff; (4) where a sidewalk is located closer than four feet from the edge of an access aisle; and (5) where necessary to contain vehicular traffic to protect pedestrians and/or property. Gutters shall be required where necessary to control or direct stormwater runoff. The ~~county engineer~~ Board of Supervisors may waive or modify this requirement if deemed necessary to accommodate stormwater management/BMP facility design or existing uses located in the Rural Areas (RA) zoning district.

h. *Separation of parking area from public street or private road*. Where off-street parking is provided, parking areas shall be established sufficiently inside the site so as to prevent queuing onto a public street or private road. The minimum required separation shall be determined by the county engineer and will be based on the intensity of traffic on the site. In any case, the minimum separation should not be less than one car length for the most minimal use.

i. *Location of handicapped parking spaces*. Parking areas shall be designed so that handicapped parking spaces are located to provide persons with direct unobstructed access to buildings by the shortest practical route, and to eliminate the need to cross vehicular access aisles wherever possible.

(§ 4.12.6.3, 12-10-80; 6-14-89; § 4.12.6.5(c)(part), 12-10-80; 11-16-83; 6-14-89; Ord. 01-18(6) , 10-3-01; Ord. 03-18(1) , 2-5-03)

Sec. 4.12.16 Minimum design requirements and improvements for parking spaces within parking areas or parking bays.

The following design requirements and minimum improvements shall be provided for all parking spaces within parking areas or parking bays:

a. *Arrangement of spaces*. All parking spaces shall be perpendicular, angled, parallel or curvilinear to the vehicle access aisle. Angled parking may be provided at 60, 45 or 30 degrees from the access aisle.

b. *Design of spaces*. All parking spaces shall be designed so that no part of any vehicle will extend over any lot line, right-of-way line, sidewalk, walkway, and driveway or aisle space.

c. *Minimum parking space size*. Parking spaces shall be the minimum sizes, and have the minimum aisle width, provided below:

1. *Perpendicular parking.* For perpendicular parking, the minimum space and aisle widths shall be:

Width (ft.)	**Length (ft.)**	**Aisle Width (ft.)**
10	18	20
9	18	24

2. *Parallel parking.* For parallel parking, the minimum space shall be:

Width (ft.)	**Length (ft.)**
9	20

3. *Angled parking.* For angled parking, the minimum space and aisle widths shall be:

ANGLED PARKING DIMENSIONS—ONE WAY CIRCULATION											
ANGLE (DEGS.)	AISLE WIDTH	STALL DEPTH	WIDTH	LENGTH	A	B	E	F	G	H	I
60	16	20.1	9	18	4.5	10.4	35.7	36.1	56.2	87.8	107.9
45	14	19.1	9	18	6.4	12.7	31.8	33.1	52.2	78.9	98
30	12	16.8	9	18	7.8	18	25.8	28.8	45.6	66.6	83.4

ANGLED PARKING DIMENSIONS—TWO WAY CIRCULATION											
ANGLE (DEGS.)	AISLE WIDTH	STALL DEPTH	WIDTH	LENGTH	A	B	E	F	G	H	I
60	20	20.1	9	18	4.5	10.4	35.7	40.1	60.2	95.8	115.9
45	20	19.1	9	18	6.4	12.7	31.8	39.1	58.2	90.9	110
30	20	16.8	9	18	7.8	18	25.8	36.8	53.6	82.6	99.4

All depths, widths and lengths in the tables above are stated in feet. All angled parking must have a parking envelope that is nine feet by 18 feet within each angled parking space. The dimensions of angled parking (as provided in the above tables in columns A, B, E, F, G, H and I) shall be measured as provided in Section 602.1 (Figure 6-4) of the Albemarle County Design Standards Manual.

4. *Curvilinear parking.* For curvilinear parking, the minimum space and aisle widths shall be the same as for perpendicular parking, except that the width of the parking space shall be measured at the narrowest point along the length of the space, and provided that a 100-foot sight distance is maintained. The site distance shall be measured as provided in Section 602.1 (Figure 6-5) of the Albemarle County Design Standards Manual.

5. *Handicapped parking spaces.* For handicapped parking, vehicular access aisle widths shall be the same as for perpendicular parking. In addition, a handicapped access aisle shall be provided

adjacent to each handicapped parking space, provided that the aisle may be shared between adjacent handicapped parking spaces. The minimum space and aisle widths shall be:

Width (ft.)	Length (ft.)	Handicap Access Aisle Width (ft.)	Van Access Aisle Width (ft.)
8	18	5	8

6. *Minimum length reduction.* Perpendicular and curvilinear parking space minimum length requirements may be reduced by not more than two feet when any of the following conditions are satisfied: (i) one or more rows of parking are separated by planting islands, median, or other such features (other than sidewalks) and allow for an unobstructed overhang, from each row, equivalent to the reduction; or (ii) one or more rows of parking adjacent to a building are separated from the building by planting islands, or other such features (other than sidewalks) and allow for an unobstructed overhang, from each row, equivalent to the reduction.

d. *Delineation of parking spaces*. Parking spaces shall be delineated in a manner that identifies and preserves the required dimensions by paint striping, signage, or by another means approved by the zoning administrator. The zoning administrator may authorize that bumper blocks or posts be used to delineate parking spaces on surfaces that are not conducive to paint striping.

e. *Bumper blocks*. Bumper blocks shall be provided in parking spaces in the following circumstances, unless waived by the ~~county engineer~~ Board of Supervisors: (1) the parking area has no curb or curb and gutter; (2) the parking has curb or curb and gutter and there is a sidewalk located closer than two feet from the edge of the parking area, except that bumper blocks shall not be required where a sidewalk has a minimum width of six feet. Bumper blocks shall be constructed of a durable material such as concrete or treated timbers. Each bumper block shall be a minimum length of six feet, a maximum height of five inches, and shall be securely anchored into the pavement in at least two places.

(§ 4.12.6.5, 12-10-80; 11-16-83; 6-14-89; Ord. 01-18(6) , 10-3-01; Ord. 03-18(1) , 2-5-03)

Sec. 4.12.17 Minimum design requirements and improvements for vehicle access aisles.

The following design requirements and minimum improvements shall be provided for all vehicle access aisles:

a. *Grade for vehicle access aisles not adjacent to parking spaces*. Vehicle access aisles that are not adjacent to parking spaces, shall not exceed a grade of ten percent. The ~~county engineer~~ Board of Supervisors may increase the maximum grade, upon a finding that no reasonable design alternative would reduce or alleviate the need and that the increase in grade would be in the best interest of public health, safety and welfare. The developer must request the waiver in writing and provide all information necessary to justify that no reasonable design alternative exists. In no case shall the grade exceed private road standards set forth in section 14-514 of the Code.

b. *Entrances*. Entrances to parking areas from public streets or private roads shall be designed and constructed in accordance with Virginia Department of Transportation standards. An adequate landing and/or grade transition shall be provided for vehicle access aisles at the intersection with public streets or private roads to allow for the stopping of vehicles and sight distance, as deemed necessary by the county engineer to assure public safety. As a guideline, the approach grade should

not exceed four percent for a distance of not less than 40 feet measured from the edge of the street or road being intersected.

c. *Vehicle access aisle standards*. Vehicular access aisles that are not adjacent to parking spaces shall comply with the following:

1. *Two-way access aisles*. The minimum travelway width for two-way access aisles shall be 20 feet.

2. *One-way access aisles*. One-way circulation is allowed provided the circulation loop or pattern is contained within the site or sites. Public streets or private roads shall not be used as part of the circulation loop or pattern. The minimum travelway width for one-way access aisles shall be 12 feet, with the following exceptions:

(a) *Bypass traffic*. A travelway width of up to 16 feet may be required to allow for bypass traffic, when deemed necessary by the county engineer. In making this determination, the county engineer shall consider the site specific factors including, but not limited to, the length of the travelway, nature of the land use, and internal traffic circulation.

(b) *Bank teller and ATM canopy and lanes*. The travelway width may be reduced for bank teller and ATM canopies and lanes if the county engineer determines that a reduction is necessary to accommodate the specific architectural, structural and customer service needs of a proposed application, and the reduction will not reduce public safety.

d. *Turning radii*. Turning radii shall be limited by the requirement to maintain 100-foot sight distance. Turning movements for delivery vehicles or other expected truck traffic shall be evaluated by the county engineer using AASHTO single unit truck standards or other AASHTO standard vehicle as appropriate.

(§ 4.12.6.2, 12-10-80; 6-14-89; § 4.12.6.3 (part), 12-10-80; 6-14-89; Ord. 03-18(1) , 2-5-03)

Sec. 4.17.5 Modification or waiver.

Modifications and waivers may be granted in an individual case as provided herein:

a. The ~~commission~~ Board of Supervisors may modify or waive any standard set forth in section 4.17.4(a) under subsections 4.17.5(a)(1) and (2), and may modify the maximum height of poles supporting outdoor luminaires lighting athletic facilities under subsection 4.17.5(a)(3), in the following circumstances: (Amended 10-17-01, 7-9-08)

1. Upon finding that strict application of the standard would not forward the purposes of this chapter or otherwise serve the public health, safety or welfare, or that alternatives proposed by the owner would satisfy the purposes of these outdoor lighting regulations at least to an equivalent degree.

2. Upon finding that an outdoor luminaire, or system of outdoor luminaires, required for an athletic facility cannot reasonably comply with the standard and provide sufficient illumination of the facility for its safe use, as determined by recommended practices adopted by the Illuminating Engineering Society of North America for that type of facility and activity or other evidence if a recommended practice is not applicable. (Amended 10-17-01)

3. Upon finding that the maximum permitted height of a pole supporting an outdoor luminaire lighting an athletic facility under the applicable district regulations would prevent the luminaire from providing sufficient illumination of the facility for its safe use, as determined by the

recommended practices adopted by the Illuminating Engineering Society of North America for that type of facility and activity or other evidence if a recommended practice is not applicable. (Added 7-9-08)

b. Prior to considering a request to modify or waive, five days' written notice shall be provided to the owner, owner's agent or occupant of each abutting lot or parcel and each parcel immediately across the street or road from the lot or parcel which is the subject of the request. The written notice shall identify the nature of the request and the date and time the ~~commission~~ Board of Supervisors will consider the request.

c. The ~~commission~~ Board of Supervisors may impose conditions on such a modification or waiver which it deems appropriate to further the purposes of these outdoor lighting regulations. (Added 7-9-08)

~~d. The board of supervisors shall consider a modification or waiver of this section only as follows: (Amended 7-9-08)~~

~~1. The denial of a modification or waiver, or the approval of a modification or waiver with conditions objectionable to the developer may be appealed to the board of supervisors as an appeal of a denial of the plat, as provided in section 14-226 of the Code, or the site plan, as provided in sections 32.4.2.7 or 32.4.3.9, to which the modification or waiver pertains. A modification or waiver considered by the commission in conjunction with an application for a special use permit shall be subject to review by the board of supervisors.~~

~~2. In considering a modification or waiver, the board may grant or deny the modification or waiver based upon the finding set forth in subsection (a), amend any condition imposed by the commission, and impose any conditions it deems necessary for the reasons set forth in subsection (a). Otherwise, neither the grant nor denial of a modification or waiver may be appealed to the board. (Amended 10-17-01)~~

(Ord. 98-18(1), 8-12-98; Ord. 01-18(4) , 5-9-01; Ord. 01-18(8) , 10-17-01; Ord. 08-18(5) , 7-9-08)

Sec. 4.18.07 Modification or waiver.

Any standard of section 4.18.04 may be modified or waived in an individual case, as provided herein:

a. The ~~commission~~ Board of Supervisors may modify or waive the standard set forth in section 4.18.04 in a particular case upon finding that strict application of the standard would cause undue hardship and not forward the purposes of this chapter or otherwise serve the public health, safety or welfare, or that alternatives proposed by the owner would satisfy the purposes of this section 4.18 at least to an equivalent degree.

b. The ~~commission~~ Board of Supervisors may impose conditions on the modification or waiver that it deems appropriate to further the purposes of this chapter.

c. Prior to considering a request to modify or waive, five days' written notice shall be provided to the owner, owner's agent or occupant of each abutting lot or parcel and each parcel immediately across the street or road from the lot or parcel which is the subject of the request. The written notice shall identify the nature of the request and the date and time the ~~commission~~ Board of Supervisors will consider the request.

~~d. The board of supervisors shall consider a modification or waiver of any standard of section 4.18.04 only as follows:~~

1. ~~The denial of a modification or waiver, or the approval of a modification or waiver with conditions objectionable to the developer may be appealed to the board of supervisors as an appeal of a denial of the plat, as provided in section 14-226 of the Code, or the site plan, as provided in sections 32.4.2.7 or 32.4.3.9, to which the modification or waiver pertains. A modification or waiver considered by the commission in conjunction with an application for a special use permit shall be subject to review by the board of supervisors.~~

2. ~~In considering a modification or waiver, the board may grant or deny the modification or waiver based upon the finding set forth in subsection (A), amend any condition imposed by the commission, and impose any conditions it deems necessary for the reasons set forth in subsection (B).~~

(Ord. 00-18(3); Ord. 01-18(4) , 5-9-01)

State law reference(s)—Va. Code § 15.2-2280

Sec. 5.1 Supplementary regulations.

The following supplementary regulations apply to referenced uses in all districts whether or not such uses are permitted by right or by special use permit. These supplementary regulations are in addition to all other requirements of this chapter, the Code, and all other applicable laws. Unless a waiver or modification is expressly prohibited, any requirement of section 5 may be modified or waived in an individual case, as provided herein:

a. The ~~commission~~ Board of Supervisors may modify or waive any such requirement upon a finding that such requirement would not forward the purposes of this chapter or otherwise serve the public health, safety, or welfare or that a modified regulation would satisfy the purposes of this chapter to at least an equivalent degree as the specified requirement; and upon making any finding expressly required for the modification or waiver of a specific requirement; except that, in no case, shall such action constitute a modification or waiver of any applicable general regulation set forth in section 4 or any district regulation. In granting a modification or waiver, the commission may impose conditions as it deems necessary to protect the public health, safety, or welfare.

~~b. The board of supervisors shall consider a modification or waiver of any requirement of section 5 only as follows:~~

1. ~~The denial of a modification or waiver, or the approval of a modification or waiver with conditions objectionable to the developer may be appealed to the board of supervisors as an appeal of a denial of the plat, as provided in section 14-226 of the Code, or the site plan, as provided in sections 32.4.2.7 or 32.4.3.9, to which the modification or waiver pertains. A modification or waiver considered by the commission in conjunction with an application for a special use permit shall be subject to review by the board of supervisors.~~

2. ~~In considering a modification or waiver, the board may grant or deny the modification or waiver based upon the finding set forth in subsection (a), amend any condition imposed by the commission, and impose any conditions it deems necessary for the reasons set forth in subsection (a).~~

(12-10-80; 9-9-92; Ord. 01-18(4) , 5-9-01; Ord. 11-18(1) , 1-12-11)

Sec. 5.1.24 Subordinate retail sales.

This provision is intended to permit retail sales as subordinate to the main use. To this end, the following regulations shall apply:

a. Retail sales area, including but not limited to showroom and outdoor display area, shall not exceed 15 percent of the floor area of the main use except as provided for in section 27.2.2.13;

b. Retail sales shall not precede establishment of the main use. Retail sales shall be permitted only after or simultaneously with the establishment of the main use and shall not continue after discontinuance of the main use;

c. In approval of any retail sales area the board and/or the commission may limit the areas for retail sales in both size and location;

d. Retail sales area exceeding 15 percent of the floor area of the main use pursuant to section 27.2.2.13 is intended to allow for uses which by their nature are bulky and require nonintensive use of the land. The ~~board and/or the commission~~ Board of Supervisors in approval of such increased sales area shall be mindful of the intent of this section to provide for only subordinate retail sales and avoid incompatible land uses.

(§ 5.1.24, 12-2-81; 2-20-91)

Sec. 5.1.32 Towing and temporary storage of motor vehicles.

a. This provision is intended to provide locations for the towing and/or temporary storage of collision/disabled vehicles. No body or mechanical work, painting, maintenance, servicing, disassembling, salvage or crushing of vehicles shall be permitted; except that the ~~commission~~ Board of Supervisors may authorize maintenance and servicing of rental vehicles in a particular case;

b. No vehicle shall be located on any portion of such property so as to be visible from any public road or any residential property and shall be limited to locations designated on the approved site plan. (Added 6-6-90

Sec. 5.1.46 Small wind turbines.

The purpose of this section 5.1.46 is to authorize small wind turbines as an accessory use in order to promote renewable energy. Each small wind turbine shall be subject to the following, as applicable:

a. *Application for approval.* In conjunction with the submittal of a building permit application for a small wind turbine, the applicant shall submit the following information:

    1. A plat of the parcel showing the lot lines, the location of the proposed small wind turbine and the setbacks to the lot lines.

    2. Plans that show the total height of the proposed structure, including rotors or turbine blades and that show compliance with the building code.

b. *Requirements*. Each small wind turbine shall be subject to the following:

    1. *Primary purpose.* The primary purpose of the small wind turbine shall be to support and provide power for one or more authorized uses of the property; provided that nothing herein

shall prohibit the owner from connecting the small wind turbine to a public utility and selling surplus power to the utility.

2. *Location*. Notwithstanding section 4.2.3.1 of this chapter, the small wind turbine may be located in an area on a lot other than a building site. A small wind turbine shall not be located within a historic district or within a ridge area.

3. *Setbacks*. The small wind turbine shall not be located closer in distance to any lot line than 150 feet. The ~~agent~~ Board of Supervisors may authorize a small wind turbine to be located closer to any lot line if the applicant obtains an easement or other recordable document showing agreement between the lot owners that is acceptable to the county attorney and, where applicable, that prohibits development on the portion of the abutting parcel sharing the common lot line that is within the small wind turbine's fall zone. If the right-of-way for a public street is within the fall zone, the Virginia Department of Transportation shall be included in the staff review, in lieu of recording an easement or other document.

4. *Height*. The small wind turbine shall not exceed the maximum height permitted for structures within the applicable zoning district.

5. *Lighting*. The small wind turbine shall have no lighting.

6. *Collocation*. The small wind turbine shall not have personal wireless service facilities collocated upon it.

7. *Removal*. The small wind turbine shall be disassembled and removed from the property within 90 days after the date the use(s) to which it provides power is discontinued or its use to generate power is discontinued. If the ~~agent~~ Board of Supervisors determines at any time that surety is required to guarantee that the small wind turbine will be removed as required, the ~~agent~~ Board of Supervisors may require that the owner submit a certified check, a bond with surety, or a letter of credit, in an amount sufficient for, and conditioned upon, the removal of the small wind turbine. The type and form of the surety guarantee shall be to the satisfaction of the agent and the county attorney.

c. *Approval*. The ~~agent~~ Board of Supervisors is authorized to review and approve small wind turbines. The ~~agent~~ Board of Supervisors shall act on the application before the building permit application or site plan for the small wind turbine is approved. Notwithstanding subsection 5.1, no requirement of subsection 5.1.46(b) may be waived or modified for a small wind turbine.

d. *Denial*. If the ~~agent~~ Board of Supervisors denies an application, it shall identify which requirements were not satisfied and inform the applicant of what needs to be done to satisfy each requirement.

(Ord. 09-18(11) , 12-10-09)

Sec. 5.2A Home occupations in the rural areas zoning district.

Each home occupation authorized in the rural areas zoning district shall be subject to the following:

a. *Purpose and intent*. The purpose for authorizing home occupations in the rural areas zoning district is to encourage limited home-based economic development, balanced with the need to protect and preserve the quality and character of the county's agricultural areas and residential neighborhoods in the rural areas zoning district. The regulations in this section are intended to ensure that authorized home occupations will be compatible with other permitted uses, the agricultural areas, and the residential neighborhoods by regulating the scale, hours, external activities, external appearance and other impacts that may arise from a home occupation.

b. *Location and area occupied by a home occupation*. A home occupation shall be located and sized as follows:

1. *Major home occupations*. A major home occupation shall be conducted within the dwelling unit or accessory structures, or both, provided that not more than 25 percent of the gross floor area of the dwelling unit shall be used for the home occupation and further provided that the cumulative area used for the home occupation, including the gross floor area within the dwelling unit or any accessory structure and the area used for outdoor storage as provided in section 5.2A(g), shall not exceed 1,500 square feet. Plants that are planted in the ground that are to be used for a major home occupation do not count toward the 1,500 square feet limitation.

2. *Minor home occupations*. A minor home occupation shall be conducted entirely within the dwelling unit, provided that not more than 25 percent of the gross floor area of the dwelling unit shall be used for the home occupation and further provided that the gross floor area used for the home occupation shall not exceed 1,500 square feet.

c. *Exterior appearance*. The exterior appearance of a parcel with a home occupation shall be subject to the following:

1. *Major home occupations*. There shall be no change in the exterior appearance of a dwelling unit or other visible evidence of the conduct of a major home occupation, except that one home occupation sign may be erected as authorized by section 4.15. Accessory structures shall be similar in façade to a single-family dwelling, private garage, shed, barn or other structure normally expected in a residential area and shall be specifically compatible in design and scale with other residential development in the area in which it is located. Any accessory structure that does not conform to the applicable setback and yard requirements for primary structures shall not be used for a home occupation.

2. *Minor home occupations*. There shall be no change in the exterior appearance of a dwelling unit or other visible evidence of the conduct of a minor home occupation.

d. *Visitors and sales*. Visitors and sales related to a home occupation shall be subject to the following:

1. *Major home occupations*. Customers, clients and students may visit a major home occupation. The sale of goods by the major home occupation to a customer who comes to the site is prohibited except for goods that are hand-crafted on-site and accessory goods that are directly related to a major home occupation, including but not limited to tools for pottery making and frames for artwork.

2. *Minor home occupations*. No customers, clients or students may visit a minor home occupation for a purpose related to the home occupation. The sale of goods or the provision of services by the minor home occupation to a customer, client or student at the site is prohibited.

e. *Traffic generated by a major home occupation*. The traffic generated by a major home occupation shall not exceed ten vehicle round trips per day or more than 30 vehicle round trips per week. For the purposes of this section, a "vehicle round trip" means one vehicle entering and exiting the site.

f. *Parking*. All vehicles used in a home occupation and all vehicles of employees, customers, clients or students related to a major home occupation shall be parked on-site.

g. *Outdoor storage*. The storage of goods, products, equipment other than vehicles used in a home occupation, or any materials associated with a home occupation, other than natural landscaping materials such as mulch and plants, outside of an enclosed structure is prohibited.

h. *Days and hours of operation for major home occupations*. Major home occupations may operate up to six days per week and the hours of operation shall be between 7:00 a.m. and 8:00 p.m. for those home occupations that have employees, customers, clients or students visiting the site.

i. *Number of vehicles used in a home occupation*. The number of vehicles that may be used in a home occupation that are parked or stored on-site shall not exceed two motor vehicles and two trailers.

j. *Number of home occupations*. More than one home occupation is permitted on a parcel, provided that the area occupied and the traffic generated by the home occupations shall be considered cumulatively and all requirements of this section shall apply.

k. *Performance standards*. All home occupations shall comply with the performance standards in section 4.14.

l. *Prohibited home occupations.* The following uses are prohibited as home occupations: (1) any use (except landscape contractors) requiring a special use permit under section 10.2.2; (2) animal rescue centers; (3) junkyards; (4) restaurants; (5) storage yards; (6) gun sales, unless the guns are made on-site by one or more family members residing within the dwelling unit; (7) on-site pet grooming; (8) body shops; (9) equipment, trailers, vehicles or machinery rentals; (10) shooting ranges; (11) commercial stables; (12) rummage or garage sales other than those determined by the zoning administrator to be occasional; (13) veterinary clinics or hospitals; (14) pyrotechnic (fireworks or bomb) device manufacturing or sales; and (15) any other use not expressly listed that is determined by the zoning administrator to be contrary to the purpose and intent of section 5.2A.

m. *Waivers and modifications*. The waiver or modification of any requirement of section 5.2A is prohibited except as provided herein:

    1. *Area*. The area requirements in section 5.2A(b) may be waived or modified <u>by the Board of Supervisors</u>, provided that the waiver or modification shall not authorize the home occupation to occupy more than 49 percent of the gross floor area of the dwelling. In granting a waiver or modification of the area requirement, the commission shall make the following findings in addition to those findings in section 5.1: (1) the nature of the home occupation requires storage or additional space within the dwelling unit to conduct the home occupation; (2) the primary use of the dwelling unit as a residence is maintained; and (3) the waiver or modification would not change the character of the neighboring agricultural area or the residential neighborhood.

    2. *Traffic*. The traffic limitation in section 5.2A(e) may be waived or modified. In granting a waiver or modification of the traffic limitation, the ~~commission~~ <u>Board of Supervisors</u> shall find, in addition to those findings in section 5.1, that the waiver or modification would not change the character of the neighboring agricultural area or the residential neighborhood.

n. *Zoning clearance required; notice of request*. No home occupation shall commence without a zoning clearance issued under section 31.5. For each zoning clearance requested for a major home occupation, the zoning administrator shall provide written notice that an application for a zoning clearance has been submitted to the owner of each abutting parcel under different ownership than the parcel on which the proposed home occupation would be located. The notice shall identify the proposed home occupation, its size, its location, and whether any waiver or modification is requested. The notice shall invite the recipient to submit any comments before the zoning clearance is acted upon. The notice shall be mailed at least five days prior to the action on the zoning clearance as provided in section 32.4.2.5.

(Ord. 11-18(1) , 1-12-11; Ord. 19-18(3) , 6-5-19; Ord. 20-18(2) , 9-2-20)

Sec. 8.5.5.3 Variations from approved plans, codes, and standards of developments.

The ~~director of planning~~ Board of Supervisors may allow a site plan or subdivision plat for a planned development to vary from an approved application plan, standard of development and, also, in the case of a neighborhood model district, a code of development, as provided herein:

a. The ~~director of planning~~ Board of Supervisors is authorized to grant a variation from the following provisions of an approved plan, code or standard:

   1. Minor changes to yard requirements, build-to lines or ranges, maximum structure heights and minimum lot sizes;

   2. Changes to the arrangement of buildings and uses shown on the plan, provided that the major elements shown on the plan and their relationships remain the same;

   3. Changes to phasing plans;

   4. Minor changes to landscape or architectural standards;

   5. Minor changes to street design and street location, subject to a recommendation for approval by the county engineer; and

   6. Minor changes to the design and location of stormwater management facilities, minor land disturbance including disturbance within conservation areas, and mitigation, all subject to a recommendation for approval by the county engineer.

b. The applicant shall submit a written request for a variation to the director of planning. The request shall specify the provision of the plan, code or standard for which the variation is sought, and state the reason for the requested variation. The director may reject a request that fails to include the required information.

c. The ~~director of planning~~ Board of Supervisors is authorized to grant a variation upon a determination that the variation: (1) is consistent with the goals and objectives of the comprehensive plan; (2) does not increase the approved development density or intensity of development; (3) does not adversely affect the timing and phasing of development of any other development in the zoning district; (4) does not require a special use permit; and (5) is in general accord with the purpose and intent of the approved application.

d. The ~~director of planning~~ Board of Supervisors may require that the applicant provide an updated application plan and, in the case of changes to a code of development, a complete amended code of development, reflecting the approved variation and the date of the variation. If the director requires an updated application plan or code of development, the granting of the variation shall be conditional upon the applicant providing the plan or code within 30 days after approval of the variation and a determination by the director that the plan or code were revised to correctly reflect the granted variation.

e. Any variation not expressly provided for herein may be accomplished by zoning map amendment.

(§ 8.5.6.3, 12-10-80; 9-9-92; § 8.5.5.3, Ord. 03-18(2) , 3-19-03; Ord. 09-18(9) , 10-14-09)

Sec. 20B.3 Area and bulk regulations.

Area and bulk regulations within the DCD are as follows:

A. *Area and bulk regulations, generally*. Any buildings, structures (collectively, "buildings") and improvements established on and after June 11, 2008 and to which subsection 20B.3(B) does not apply, shall be subject to the following area and bulk regulations and subsections 20B.3(C) through (J):

Building Setbacks (See Figure 1)	
Primary Buildings	
Front-Minimum	1 foot
Front-Maximum	10 feet, except up to 20 feet with administrative modification (See subsection 20B.3(H)
Side-Minimum except from accessway or alley	0 feet
Side-Minimum from accessway or alley	3 feet, except 1 foot within a building façade break
Side-Maximum (See Figure 2)	20 feet, except with ~~administrative~~ waiver (See subsection 20B.3(H))
Rear (Minimum)	0 feet
Secondary Buildings	
Front-Minimum	1 foot
Front-Maximum	Prevailing building pattern, as determined by director of planning
Side-Minimum except from accessway or alley	0 feet
Side-Minimum from accessway or alley	3 feet, except 1 foot within a building façade break
Side-Maximum	Prevailing building pattern, as determined by director of planning
Rear-Minimum	0 feet
	See also subsection 20B.3(C) for corner lots
Parking Setbacks	
Front-Minimum-As a primary use (stand alone parking)	Same as maximum front building setback (10 feet, except up to 20 feet with modification (See subsection 20B.3(J))
Front-Minimum-As an accessory use	No closer to the right-of-way than any existing or proposed primary structure on the lot. Parking areas shall be located to the rear and/or side of the primary structures, as viewed from the right-of-way to which the lot abuts. On corner lots, the parking areas shall be located to the side or rear of the primary structure, and not between the structure and any rights-of-way that intersect at the corner.
Side-Minimum-As a primary use (stand alone parking)	0 feet
Side-Minimum-As an accessory use	3 feet
Rear (Minimum)	0 feet
Stepbacks (See Figure 4)	
Front-Minimum	Floors above 40 feet or the third story shall be stepped back a minimum of 15 feet
Building façade breaks (See Figure 3)	

Front-Minimum	Every 200 linear feet (See section 20B.3(E)), except with ~~administrative~~ waiver (See section 20B.3(H))
Lot size	
Minimum	1500 square feet
Density	
Residential-Maximum	36 dwelling units per acre
Frontage	
Minimum	None
Building Height (See Figure 4)	
Minimum height-by right	30 feet or 2 stories
Minimum height-by special use permit	1 story
Maximum height-by right	50 feet or 4 stories
Maximum height-by special use permit	70 feet or 6 stories

B. *Area and bulk regulations, pre-existing buildings, structures and improvements*. Notwithstanding subsections 6.3(A)(1) and (3), and subsection 20B.3(A) of this chapter, any building or structure established before, and existing on, June 11, 2008, may be extended or enlarged without complying with the maximum front and maximum side yard setbacks and the minimum front yard setback for parking as an accessory use.

C. *Corner lots; determination of front and other sides*. Notwithstanding sections 4.6.2(b) and 4.6.3 of this chapter to the extent they determine when front yard setbacks apply, for purposes of determining setbacks the director of planning (the "director") shall determine which side of a corner lot abutting a street shall be the front based upon the prevailing building pattern that has developed in the vicinity of the lot, and shall then determine which other sides will be the sides and rear of the lot.

D. *Minimum standards for a building façade break*. Each building façade break shall provide either pedestrian access or motor vehicle and pedestrian access to the side and/or rear of the building on the same lot. A building façade break providing only pedestrian access shall be a sidewalk having a minimum width of five feet. A building façade break providing both motor vehicle and pedestrian access shall have a travelway at least 12 feet in width and a sidewalk on at least one side having a minimum width of five feet. The travelway and the sidewalk shall be designed and constructed to the applicable standards in the design standards manual. Buildings separated by a building façade break shall have a minimum separation of the width of the pedestrian access or motor vehicle and pedestrian access at all points above the ground. See Figure 3.

E. *Building entrances*. Each building abutting a street shall have a primary entrance from either the front or side of the building. A building also may have secondary entrances on the side or rear of the building. If the primary entrance is located on the side of a building, its doors shall face the front of the building.

F. *Stories*. For the purposes of this section 20B, each story shall be visibly discernible from the street and be composed of habitable space and/or occupiable space, as defined by the Virginia Uniform Statewide Building Code. Visibly discernible stories shall be achieved through the use of windows or building entries on each story, using varied building materials, special ground-floor design treatments, or other façade elements or other architectural details. In accordance with the procedures stated in subsection 20B.3(H), the ~~director~~ Board of Supervisors may waive the requirement that windows, building entries or other façade elements be used to make each story visibly discernible if

the applicant demonstrates to the satisfaction of the director that the use of other architectural details would render the stories visibly discernible to an equivalent degree.

G. *No structures within easements within setbacks*. No structures shall be established within easements located within setbacks.

H. *Modifications or waivers to change maximum setbacks or minimum building façade break.* In accordance with the procedures stated in subsection 20B.3(I), the ~~director~~ Board of Supervisors may modify the ten foot front building setback and authorize the front building setback to be increased to up to 20 feet, may waive the maximum side yard setback and establish a different setback, and may waive the minimum building façade break and establish a different minimum building façade break. The ~~director~~ Board of Supervisors may grant a waiver or modification in the following circumstances: (i) to allow outdoor café seating; (ii) to accommodate public spaces and plazas; (iii) where topography, easements, or unusual physical conditions make compliance with the requirement impracticable; (iv) where the required sidewalk and street trees are located on the lot instead of in a public right-of-way; (v) the strict application of the requirement would not further the purposes of this chapter or otherwise serve the public health, safety or welfare, and the waiver or modification would better achieve the goals of the comprehensive plan or provide a design that better meets the purpose and intent of the DCD; or (vi) the waiver or modification would allow the building to be consistent with the prevailing building pattern that has developed in the vicinity of the lot.

I. *Procedure for ~~administrative~~ modifications and waivers*. Applications for modifications or waivers (collectively, "waivers") authorized to be reviewed and acted upon by ~~the director or the agent (collectively, the "director"), as applicable~~ Board of Supervisors pursuant to this section 20B shall be reviewed and acted upon according to the following procedure:

1. *Application*. The applicant shall file a written request with the department of community development stating why one or more of the applicable circumstances exist or criteria are satisfied to allow the waiver to be granted.

2. *Action by the* ~~director~~ Board of Supervisors. The ~~director~~ Board of Supervisors shall act on the waiver request in conjunction with the county's action of the site plan, subdivision plat or special use permit or, if no such action is required, within ~~30~~ 90 days of the date the application was submitted and determined to be complete. The ~~director~~ Board of Supervisors may grant the waiver if ~~he or she~~ they ~~determines~~ that one or more applicable circumstances exist or criteria are satisfied. In granting a waiver, the ~~director~~ Board of Supervisors may impose conditions deemed necessary to protect the public health, safety, or welfare. ~~If review of a site plan or subdivision plat by the commission is requested, the agent may either act on the waiver or defer action and allow the commission to act on the waiver as part of its consideration of the plan or plat, in which case the commission shall have the same authority as though it were considering the waiver on appeal.~~

~~3. *Appeal to the commission or the board*. The denial of a waiver, or the approval of a waiver with conditions objectionable to the applicant, may be appealed from the director to the commission and from the commission to the board, as the case may be, as an appeal of a denial of the plat, as provided in section 14-226 of the Code, or the site plan, as provided in sections 32.4.2.7 or 32.4.3.9 of this chapter, to which the waiver pertains. If subdivision plat or site plan approval is not required, the applicant may file a written appeal with the clerk of the board of supervisors within ten days of the date of the written action by the director or the commission. A waiver considered by the commission in conjunction with an application for a special use permit shall be subject to review by the board of supervisors without the filing of an appeal. In considering a waiver on appeal, the commission or the board may grant or deny the waiver~~

~~based upon its determination of whether one or more applicable circumstances exist or criteria are satisfied, amend any condition imposed by the director or the commission, and impose any conditions deemed necessary to protect the public health, safety, or welfare.~~

J. *Waiver to allow alternative location of parking area*. The parking area setback requirements in subsection 20B.3(A) may be waived as follows:

1. *Consideration by ~~commission~~ Board of Supervisors*. The ~~*commission*~~ *Board of Supervisors*. may waive the parking area setback requirements in subsection 20B.3(A) and allow a parking area to be located between a street and a primary structure, subject to reasonable conditions that it may impose, upon a finding that:

   a. There are unusual physical conditions on the lot or an adjoining lot including, but not limited to, the location of existing structures and parking areas, steep topography or other environmental features, narrowness or shallowness or the size or shape of the lot that make it impossible or unfeasible to provide parking to the side or rear of a primary structure;

   b. The potential safety of patrons and employees cannot be achieved with adequate lighting and other reasonable design solutions; or

   c. The strict application of the applicable regulations in subsection 20B.3(A) would not further the purposes of this chapter or otherwise serve the public health, safety, or welfare or achieve the goals established in the comprehensive plan.

~~2. *Consideration by the board of supervisors*. The board of supervisors may consider a request under this subsection only as follows:~~

~~a. The denial of the request, or the approval of the request with conditions objectionable to the applicant may be appealed to the board of supervisors as an appeal of the plat, as provided in section 14-226 of the Code, or a denial of the site plan, as provided in sections 32.4.2.7 or 32.4.3.9 of this chapter, to which the waiver pertains. If subdivision plat or site plan approval is not required, the applicant may file a written appeal with the clerk of the board of supervisors within ten days of the date of the written action by the director or the commission. A waiver considered by the commission in conjunction with an application for a special use permit shall be subject to review by the board of supervisors without the filing of an appeal.~~

~~b. In considering a request, the board may grant or deny the request based upon the findings set forth in subsection 20B.3(J)(1), amend any condition imposed by the commission, and impose any conditions it deems necessary for the reasons set forth in subsection 20B.3(J)(1).~~

K. *Terms defined*. The term "primary building" means the buildings or structures on a lot that comply with the minimum and maximum front yard setback requirements for a primary building as provided in subsection 20B.3(A). The term "secondary building" means any building or structure that is not a primary building on a lot containing at least one primary building.

(Ord. 08-18(3) , 6-11-08; Ord. 10-18(1) , 1-13-10)

Sec. 20B.7 Sidewalks and street trees.

For each development requiring approval of a site plan under section 32 of this chapter, sidewalks and street trees in the DCD shall be provided as follows:

A. *Sidewalk design*. Each sidewalk proposed to be accepted for maintenance by the Virginia Department of Transportation shall be designed and constructed according to Virginia Department of Transportation standards or to the standards in the design standards manual, whichever is greater. Each sidewalk proposed to be privately maintained shall be constructed using concrete, designed so that no concentrated water flow runs over them, and otherwise satisfy the standards in the design standards manual. Each sidewalk on Crozet Avenue, Three Notch'd Road and the street identified in the Crozet master plan as the new Main Street shall be at least ten feet wide. All other sidewalks shall be at least eight feet wide. See Figure 9.

B. *Sidewalk ownership*. Each sidewalk, including street trees, proposed to be accepted for maintenance by the Virginia Department of Transportation, shall be dedicated to public use. Each sidewalk, including street trees, proposed to be privately maintained, shall be maintained by the owner of the lot on which the sidewalk and street trees exist or an owners association that is obligated to maintain the sidewalk and street trees. The agent may require that a sidewalk proposed by the developer to be privately maintained instead be dedicated to public use if the agent determines that the sidewalk serves a public purpose and there is a need for the sidewalks to be publicly owned and maintained.

C. *Street trees*. Notwithstanding section 32.7.9.6 of this chapter, street trees shall be planted within grates on each sidewalk or in a planting strip abutting the sidewalk, spaced at a minimum of 25 and a maximum of 40 feet on center and the distance of each tree from the edge of the sidewalk shall be approved by the agent. Street trees shall be selected from a current list of recommended large shade trees, subject to the approval of the agent when site conditions warrant medium shade trees. See Figure 9.

D. *Waivers from sidewalk and/or street tree requirements*. In accordance with the procedures stated in subsection 20B.3(I), the ~~agent~~ Board of Supervisors may waive the requirements for a sidewalk and/or street trees where the developer demonstrates that: (i) either the Virginia Department of Transportation prohibits establishing sidewalks and/or planting street trees or existing utility easements prohibit establishing sidewalks and/or planting street trees; (ii) there are unusual physical conditions on the lot or an adjoining lot including, but not limited to, the location of existing structures and parking areas, steep topography or other environmental features, the narrowness, shallowness, size or shape of the lot, or the width or alignment of the existing sidewalk, that make it impossible or unfeasible to provide the required sidewalk and/or street trees as provided in subsections 20B.7(A) and (C); or (iii) the strict application of the requirements of subsections 20B.7(A) and (C) would not further the purposes of this chapter or the DCD or otherwise serve the public health, safety, or welfare or achieve the goals established in the comprehensive plan.

(Ord. 08-18(3) , 6-11-08; Ord. 10-18(1) , 1-13-10)

Chapter 18. Zoning

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. Gallaway	____	____
Ms. LaPisto-Kirtley	____	____
Ms. Mallek	____	____
Ms. McKeel	____	____
Ms. Palmer	____	____
Ms. Price	____	____