ALBEMARLE COUNTY
ZONING ORDINANCE UPDATE

Phase 1 Diagnostic Report

April 18, 2022

BERKLEY GROUP



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Purpose & Scope

Zoning Ordinances are key tools that localities use to regulate the use and development of land. Over time, Zoning Ordinances must be adapted to better face the challenges of an ever changing and developing world. To this point, Albemarle County has commissioned a phased update to their current Zoning Ordinance, beginning with a review and update of setbacks and uses. The update is intended to help streamline setbacks and modernize and strengthen use definitions to help solve common zoning challenges faced within the County.

This diagnostic assesses the strengths and weaknesses of current County zoning setbacks and uses and provides a comparative analysis against other similar Virginia localities. The Berkley Group, a Virginia-based local government consulting firm, completed this assessment, which included the following tasks:

- Analyze the current setback regulations within the County.
- Provide recommendations for setbacks in each zoning district based on comparative setbacks in benchmark localities.
- Analyze the current land use terms and their accompanying definitions.
- Provide proposed land use terms and definitions based on The Berkley Group's best practice recommendations.

Diagnostic Process

The project began with a kick-off meeting with Albemarle County staff to discuss current issues with setback regulations and land uses. During this meeting, the following Virginia counties were selected as benchmark localities for comparative review: Fairfax County, Loudon County, Prince William County, Chesterfield County, and Henrico County. These localities were chosen due to their relative similarity as high growth localities with a mix of suburban and rural development patterns.

Following the kickoff meeting, Berkley Group staff compiled setback regulations for every zoning district in each benchmark locality and conducted a comparative analysis against setback regulations of similar zoning districts in Albemarle to produce recommended setback regulations for Albemarle County zoning districts.

Berkley Group staff also thoroughly reviewed the current Albemarle County land use terms and their accompanying definitions. This process identified overly-precise and obsolete land use terms along with opportunities to streamline and modernize terms and definitions. Proposed uses and definitions are included in this report as Appendix A.

Key Findings

After reviewing Albemarle County setback regulations and land uses, Berkley Group staff recommends the following actions be taken to help strengthen and streamline the Zoning Ordinance for future use:

- Setback regulations are overly intricate in their current state and should be streamlined for primary and accessory uses. This will help enhance the clarity and readability of the Ordinance for all readers, especially the general public.
- There are several specific, unnecessary, and archaic land uses in the current Ordinance. The Ordinance should include fewer, more generic, land uses to enhance readability, ease administration, and reduce the need for text amendments.
- Definitions for land uses should be tailored to fit the new uses and refined to modernize them and enhance clarity and readability.

Ordinance Structure

While examining and benchmarking the Zoning Ordinance for setback regulations and land uses, the existing ordinance structure was identified as a concern. The current structure is overly complex with numerous layers of cross-references that are difficult to follow. While not an official part of this phase of the ordinance update project, the ordinance structure is important to the development of each section of text. To ease administration and readability for all users, Albemarle should consider restructuring to include Articles, Divisions, and Sections. An example of the benefits of this type of layout is within the Article for District Regulations, supplying Divisions that groups the districts by type (residential, commercial, industrial, planned development) will add organization and ease of use. Additionally, providing a table or tables of district standards within each Division will further streamline the ordinance. These new tables can be inserted during this phase of revision; however, other restructuring may need to occur in subsequent phases.

Example District Restructure:

Article – Zoning Districts

Division 1 – Establishment & Purpose
Division 2 – General Standards
Division 3 – Agriculture District Standards
Division 4 – Residential District Standards
Division 5 – Commercial District Standards
Division 6 – Industrial District Standards
Division 7 – Planned Development Districts

Setbacks

Setback regulations within a Zoning Ordinance are intended to preserve an area of natural open space around a building or use. Setbacks contribute to the character of the zoning district, in addition to ensuring safety, privacy, and environmental protection. For example, a high-density city block would be expected to have little to no setbacks, while an agricultural parcel may be expected to have large setbacks to preserve rural character and protect adjacent properties from dust and odor.

County staff has indicated that the current approach to setbacks adds unnecessary complexity that is difficult for the public to understand and for staff to administer. Within each zoning district, setbacks may be variable based on factors such as by-right versus special uses, abutting zoning districts, road type, infill vs non-infill, type of structure, and cluster and bonus development standards. This means that administrators and citizens must cross reference multiple areas within the Ordinance to determine their setbacks based on the district, use, and

use permissions. Simplifying setbacks is not only necessary to improve the general usability of the Ordinance, it will be required for the successful implementation of the County's online zoning administration platform, which does not recognize complex "if-then" statements for zoning checks.

After thorough review of the five benchmark localities selected for comparison, the Berkley Group has determined that the recommended setbacks, listed within this report, will be the most ideal for the general welfare of the citizens and the efficient administration for County staff. As mentioned throughout the analysis some provisions that are currently found within the Zoning Ordinance are proposed to be removed or applied through different methods. The most notable of these changes are listed and explained below.

Minimum and Maximum Setbacks

While some of the benchmark localities do have minimums and maximums for their setback regulations, typically the maximum setbacks only apply to certain specialty districts; the majority of zoning districts examined do not set a maximum setback regulation.

Including a maximum setback regulation can feel burdensome and arbitrary to many citizens and can require added work for administrators that in most cases is regulated by market driven forces. In most cases a developer will not place buildings well beyond the minimum setback, creating egregious amount of open space. However, they can be beneficial in a historic district to ensure a street wall is maintained, providing an appropriate sense of place.

Staff identified that maximum setbacks were not beneficial and were providing unneeded complexity to the district standards. Therefore, the Berkley Group is recommending removing any maximum setback regulation from all zoning district and instead establishing only a minimum.

Stepbacks

Stepback is the terminology used for the upper most stories of a building sitting further back than the front building line. This building feature has been used to reduce visual massing and mitigate impacts to adjacent properties. Few stepback provisions were found within the benchmark localities. When utilized it was for tall buildings along a specific corridor or buildings with heights of 12 or more stories. Staff has also indicated that the stepback provisions have been difficult for builders to implement due to building code requirements. It is recommended that Albemarle County remove any current stepback provisions from their Ordinance. Instead, the County can mitigate impacts to adjacent properties by requiring greater setback of one additional foot per foot of building height over a determined optimal height.

Infill Setbacks

Infill setbacks are found within the Residential zoning districts in Albemarle County. They establish the setbacks of a vacant lot by matching the same setbacks of already developed buildings in the immediate area. When comparing Albemarle's infill setbacks with that of the benchmark localities, Albemarle stands as the only County that sets separate regulations for infill setbacks.

Staff has found that infill setbacks have been difficult for County citizens to understand. At the same time, the desire remains to ensure that vacant lots can develop in a way that is consistent with adjacent properties. It is recommended that infill lots be allowed to comply either with the current district setbacks or the setbacks supplied on a previous subdivision approval. Alternatively, the applicant can apply for a special exception if the subdivision was approved prior to December 10, 1980 (the date of the first adopted subdivision ordinance).

Graduated Setbacks

Graduated setbacks refer to the concept of reducing the setbacks in accordance with the reduction in lot size and density of a zoning district. Currently, residential zoning districts all have the same setbacks regardless of their densities and lot size. Likewise, commercial and industrial districts have the same setbacks regardless of their impact, with the exception of the heavy industrial district which requires greater setback when adjacent to agriculture or residential districts. This "one size fits all" method of setbacks has not been the case for any of the benchmark localities researched.

Graduated setbacks are a best practice that can help establish the desired character of districts and better differentiate between multiple zones. As citizens move from the rural open areas of the country into the denser suburban districts, buildings should get closer together and closer to the road to optimize usage and character.

The Berkley Group has developed our recommendations for setbacks based on graduated setback regulations and believe that these are the best to help establish the feeling of place and the desired design of each zoning district.

Setback Analysis

Analysis of benchmark locality setbacks revealed a more streamlined approach to setback regulations. In the five benchmark localities, none of them use minimum and maximum setback requirements. They assign a minimum front, side, and rear yard setback; most provide separate setbacks for cluster developments; most supply any parking or accessory structure requirements separately from the base district; and some include additional setbacks from major thoroughfares or specific highways. Additionally, each locality supplies unique setback standards for each district that gradually decrease as the intensity of the district increases. In terms of organization within the ordinance, the benchmark localities supply a separate table of district standards for each district. The following setback analysis and benchmarking of each district was conducted with these considerations in mind.

Tables Framework

In creating the setback benchmark tables, similar zoning districts were chosen by comparing their minimum lot sizes, densities, and district intents to best fit each Albemarle district. Empty cells indicate that a benchmark locality did not have a comparable district, or that the comparable district did not establish setback regulations.

Only the base regulation for each district are displayed in the table and not each use or special nuance. The dimensions included in the table represent the required setbacks for a single lot on a public road. Corner lots can be addressed after feedback on the proposed front, side, rear is received. Typically, corner lots provide two front setbacks or an additional side setback along the second street. Cluster developments were not included in this comparative process but can be addresses if separate setbacks are desired for this type of development.

Agricultural and Special Districts

Rural Areas District (RA)

The Rural Areas District is intended to preserve agricultural and forestal lands and conserve natural and scenic resources. The current standards require different front setbacks dependent on whether the parcel fronts a public or private road. Comparative districts were chosen based on similar agricultural and natural preservation intents. The benchmark localities have a wide variety of setbacks, with Albemarle having RA setbacks in the middle of this range. While, most benchmark localities do not provide front setback based on road type, staff expressed this standard is working well for the community and should be maintained. The RA district setbacks are not recommended to change. Greater setbacks lend themselves to open viewsheds and the preservation of the natural environment; however, further increasing may lead to wasted agriculture land and many nonconforming structures.

Albemarle Rural Areas District (RA)					
County	**Zoning District**	**Front Setback (ft.)**	**Side Setback (ft.)**	**Rear Setback (ft.)**	**Front Setback for Private Road (ft.)**
Albemarle	RA	75	25	35	25
Prince William	A-1	35	15	25	
Chesterfield	A	150	40	50	40
Fairfax	R-A	60	50	50	
Loudon	AR-1	35	25	25	
Henrico	A-1	50	20	50	
Recommended		***75***	***25***	***35***	***25***

Monticello Historic District (MHD)

The Monticello Historic District is intended as a planned historic district that preserves the unique historical character of the district. It uses setbacks based on Conventional Commercial Districts in accordance with section 4.20 of the Ordinance. As such, comparative zoning districts have been chosen based on commercial uses of similar low-density districts. The Albemarle conventional commercial and industrial district setbacks include minimum and maximum setbacks as well as stepbacks. These types of regulations have proven burdensome for staff to administer as well as for the general public to interpret. The benchmark localities do not use minimum and maximum setbacks and only two utilize stepbacks. Chesterfield uses the stepback only along one corridor, and Loudon uses them only for office buildings greater than 12 stories. It is recommended that stepbacks be removed from the requirements and only a

minimum setback requirement be provided for the district to ease interpretation and administration.

Albemarle Monticello Historic District (MHD)					
County	**Zoning District**	**Front Setback (ft.)**	**Side Setback (ft.)**	**Rear Setback (ft.)**	**Increased Setbacks Abutting AG/Residential**
Albemarle	MHD	10	50	50	X
Prince William	B-1	20	25	25	X
Chesterfield	C-2	40	30	40	
Fairfax	C-5	40		20	X
Loudon	GB	100	50	100	X
Henrico	B-1	15	15	40	X
Recommended					
Adjacent to Commercial or Industrial Districts		***10***	***50***	***50***	
Adjacent to Agricultural or Residential Districts		***10***	***50***	***50***	

Village Residential (VR)

The Village Residential District encourages residential development in designated village or town areas of the County with variations in lot size and density and allows related nonresidential and agricultural uses. Allowed density ranges from 0.7 dwelling unit per acre with lot sizes of 60,000 square feet to 1.05 du/acre with lot sizes of 25,000 square feet. The smaller lot sizes and additional density are allowed through cluster developments and bonus factors while the setbacks remain the same. While similar to a Planned Unit Development, few benchmark localities have this type of district that also requires larger lots and placement in rural areas without public water and sewer or central systems. Benchmark districts were chosen with a residential focus and similar lot size. It is recommended that the setbacks of this district remain the same. While benchmark localities have higher setbacks, the village nature is not captured. The zoning map indicates that areas zoned Village Residential are known communities that should continue to develop with small village character.

Albemarle Village Residential (VR)					
County	**Zoning District**	**Front Setback (ft.)**	**Side Setback (ft.)**	**Rear Setback (ft.)**	**Clustering Reduces Setbacks**
Albemarle	VR	25	15	20	
Prince William	SR-1	35	10	25	
Chesterfield	R-40	60	20	50	
Fairfax	R-E	50	20	25	X
Loudon	CR-3	15	9	25	X
Henrico	R-0	50	25	50	X
Recommended		***25***	***15***	***20***	

Downtown Crozet District (DCD)

The Downtown Crozet District has been established to provide flexibility and variety in development as described in the Crozet master plan. Due to its unique nature, no comparable benchmark districts were chosen and no changes to current setback regulations are recommended. Changes for this district could be modified after public engagement with this community.

Residential Districts

This section presents existing district standards, as well as benchmarking and proposed setbacks for each residential district. The density of each residential district is represented within the district symbol, with R-1 allowing for one dwelling unit per acre and R-15 allowing for fifteen dwelling units per acre. Comparable Zoning Districts were chosen based on similar densities and lot sizes.

Proposed residential districts changes include:

- Infill lots shall meet the requirements of non-infill lots or a previously-approved subdivision;
- Maximum setback requirements will be removed;
- Front setbacks are larger for less dense districts and smaller for denser districts;
- Garage requirements are removed – all structures will comply with the same district standards; and
- Stepback requirements will be removed; structures with heights greater than 35 feet will be required to setback an additional one foot for every foot of height over 35 feet and any structures greater than 65 feet will require a special exception.

Existing Residential District Standadrds

Albemarle Residential Zoning District setback regulations are detailed in section 4.19 of the Ordinance, shown on the following pages.

Residential district setbacks include separate requirements for infill lots versus non-infill lots. Staff has indicated that this distinction is not necessary, and instead recommends allowing previous subdivision approvals to govern.

The residential districts also contain both minimum and maximum setbacks with separate standards for front loading and side loading garages. Staff indicated that the minimum/maximum setback standards were developed to protect sidewalks from encroachment by parked vehicles; however, they have not successfully achieved this goal. Staff has specifically highlighted that some neighborhoods have parked cars continuously overhanging the sidewalk, rendering the sidewalk unusable by pedestrians. This occurrence may be answered with enforcement, but new setbacks for the districts should also be carefully considered to minimize this issue.

Benchmark localities do not address this specific issue. The benchmark ordinances address parking in a separate section devoted to parking and other design requirements, and the district setbacks are generally more streamlined.

According to staff, the setback and stepback requirements are too complex for administration through the online permit portal and have not been successful in mitigating the issues they intended to address. It is recommended that the Albemarle setbacks for the residential districts be streamlined for ease of administration.

Albemarle Zoning Ordinance Sec. 4.19

The following apply within the R-1, R-2, R-4, R-6, R-10, R-15, PRD, and PUD zoning districts.

Infill: Setbacks	
Front-Minimum	**Front-Maximum**
Closest setback of an existing main building within 500 feet in each direction along the same side of the street fronted	None
Garage-Minimum	**Garage- Maximum**
Front loading attached or detached garage: Whichever is greater between the closest setback of an existing main building within 500 feet in each direction along the same side of the street fronted or 18 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way *Side loading garage:* Closest setback of an existing structure within 500 feet in each direction along street fronted	None
Side-Minimum	**Side-Maximum**
10 feet, unless the building shares a common wall; provided that (a) in the R-10 and R-15 districts if the abutting lot is zoned residential other than R-10 and R-15, Rural Areas, or the Monticello Historic district, any dwelling unit that exceeds 35 feet in height shall be set back ten feet plus one foot for each foot the dwelling unit exceeds 35 feet in height; and (b) any minimum side setback otherwise required by this section may be reduced in accordance with section 4.11.3.	None
Rear-Minimum	**Rear-Maximum**
20 feet	None
Infill: Stepbacks	
Front	**Side and Rear**
For each story that begins above 40 feet in height or for each story above the third story, whichever is less, the minimum stepback shall be a minimum of 15 feet	None
Non-Infill: Setbacks	

Front-Minimum	Front-Maximum
5 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way	In the R-1 and R-2 districts: None In the R-4, R-6, R-10, and R-15 districts: 25 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way; none, on any lot, including a corner lot, abutting a principal arterial highway or interstate
Garage-Minimum	**Garage-Maximum**
Front loading garage: 18 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way Side loading garage: Five feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way	None
Side-Minimum	**Side-Maximum**
5 feet, unless the building shares a common wall; provided that (a) in the R-10 and R-15 districts if the abutting lot is zoned residential other than R-10 and R-15, Rural Areas, or the Monticello Historic district, any dwelling unit that exceeds 35 feet in height shall be set back five feet plus one foot for each foot the dwelling unit exceeds 35 feet in height; and (b) any minimum side setback otherwise required by this section may be reduced in accordance with section 4.11.3	None
Rear-Minimum	**Rear- Maximum**
20 feet	None
Non-Infill: Building Separation	
Minimum	**Side-Maximum**
10 feet, unless the building shares a common wall; provided that in the R-10 and R-15 districts if the abutting lot is zoned residential other than R-10 and R-15, rural areas, or the Monticello Historic district, any building that exceeds 35 feet in height shall be separated from any other building by ten feet plus one foot for each foot the building exceeds 35 feet in height	None
Non-Infill: Stepbacks	
Front	**Side and Rear**
For each story that begins above 40 feet in height or for each story above the third story, whichever is less, the minimum stepback shall be 15 feet	None

Residential – R-1, R-2, and R-4

Residential districts R-1, R-2, and R-4 have the lowest densities, but also have very minimal setbacks. The benchmark locality setbacks range from 30 feet to 60 feet for similar districts. Removing the high setback outliers from the benchmarks, considering the low density of the districts, and the desire to protect sidewalks from overhanging parking results in a need to increase the setbacks for these districts. For simplistic administration and because of the common intents of these districts, they are proposed with the same setbacks. A front setback of 35 feet aligns the districts with several benchmark localities, provides a sense of additional space, and allows parking in the front without overhanging the sidewalk. The rear and side setbacks are also proposed with an increase to align with other localities and provide more open space, which is typical of these lower density residential districts.

Albemarle Residential (R-1)					
County	**Zoning District**	**Front Setback (ft.)**	**Side Setback (ft.)**	**Rear Setback (ft.)**	**Clustering Reduces Setbacks**
Albemarle	R-1	5	10	20	
Prince William	SR-1	35	10	25	
Chesterfield	R-40	60	20	50	
Fairfax	R-1	40	20	25	X
Loudon	R-1	35	12	30	X
Henrico	R-0	50	25	50	X
Recommended					
Non-infill		***35***	***20***	***25***	
Infill	*Current district standard or as shown on any subdivision approval dated after December 10, 1980; subdivisions prior to December 10, 1980 may apply for a Special Exception.*				

Albemarle Residential (R-2)					
County	**Zoning District**	**Front Setback (ft.)**	**Side Setback (ft.)**	**Rear Setback (ft.)**	**Clustering Reduces Setbacks**
Albemarle	R-2	5	10	20	
Prince William	R-2	35	10	25	X
Chesterfield	R-25	50	15	40	
Fairfax	R-2	35	15	25	X
Loudon	R-2	25	12	25	
Henrico	R-1	50	20	50	X
Recommended					
Non-infill		***35***	***20***	***25***	
Infill	*District standard or standards from a subdivision approval dated after December 10, 1980; subdivisions prior to December 10, 1980 may apply for a Special Exception*				

Albemarle Residential (R-4)					
County	**Zoning District**	**Front Setback (ft.)**	**Side Setback (ft.)**	**Rear Setback (ft.)**	**Clustering Reduces Setbacks**
Albemarle	R-4	5	10	20	
Prince William	R-4	30	10	25	X
Chesterfield	R-25	50	15	40	
Fairfax	R-3	30	12	25	X
Loudon	R-3	25	12	25	
Henrico	R-3	40	12	40	
Recommended					
Non-infill		***35***	***20***	***25***	
Infill	*District standard or standards from a subdivision approval dated after December 10, 1980; subdivisions prior to December 10, 1980 may apply for a Special Exception*				

Residential – R-6

In the similar districts of benchmark localities, the setback standards begin to reduce at this density level. However, Albemarle's front setback is substantially lower. To align with other locality's reductions, create a denser sense of place, and ensure one space of appropriate parking, the front setback for this district is proposed as 15 feet. The rear and side setbacks are similar to benchmark localities and are not proposed to change.

Albemarle Residential (R-6)					
County	**Zoning District**	**Front Setback (ft.)**	**Side Setback (ft.)**	**Rear Setback (ft.)**	**Clustering Reduces Setbacks**
Albemarle	R-6	5	10	20	
Prince William	R-6	25	10	20	
Chesterfield	R-9	30	7.5	25	
Fairfax	R-5	20	8	25	
Loudon	R-4	25	9	25	
Henrico	R-4	35	10	35	
Recommended					
Non-infill		***15***	***10***	***20***	
Infill	*District standard or standards from a subdivision approval dated after December 10, 1980; subdivisions prior to December 10, 1980 may apply for a Special Exception*				

Residential – R-10 and R-15

Most of the benchmark localities maintain a front setback of at least 25 feet for their residential districts of a similar density. However, considering best planning practices to create a sense of place, the base setbacks for these residential districts are proposed to remain the same. However, it is recommended to streamline the standards by simplifying in-fill requirements and removing stepbacks.

Albemarle Residential (R-10)					
County	**Zoning District**	**Front Setback (ft.)**	**Side Setback (ft.)**	**Rear Setback (ft.)**	**Clustering Reduces Setbacks**
Albemarle	R-10	5	10	20	
Prince William	R-6	25	10	20	
Chesterfield	R-7	30	7.5	25	
Fairfax	R-12	5	10	20	
Loudon	R-8	25	8	25	
Henrico	R-5A	35	12	35	
Recommended					
Non-infill		***5***	***10***	***20***	
Infill	*District standard or standards from a subdivision approval dated after December 10, 1980; subdivisions prior to December 10, 1980 may apply for a Special Exception*				

Albemarle Residential R-15					
County	**Zoning District**	**Front Setback (ft.)**	**Side Setback (ft.)**	**Rear Setback (ft.)**	**Clustering Reduces Setbacks**
Albemarle	R-15	5	10	20	
Prince William	R-16	25	10	20	
Chesterfield	R-7	30	7.5	25	
Fairfax	R-16	5	10	20	
Loudon	R-16	25	8	25	
Henrico	R-5	25	20	30	
Recommended					
Non-infill		***5***	***10***	***20***	
Infill	*District standard or standards from a subdivision approval dated after December 10, 1980; subdivisions prior to December 10, 1980 may apply for a Special Exception*				

Commercial Districts

The three Albemarle commercial zoning districts, Commercial (C-1), Commercial Office (C-O), and Highway Commercial (HC), all have identical setback and stepback regulations, set forth in section 4.20(a) of the Ordinance, which has been included below for reference.

Albemarle Zoning Ordinance Sec. 4.20(a)

The following apply within the C-1, CO, and HC zoning districts.

Setbacks	
Front-Minimum	**Front-Maximum**
10 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way; for off-street parking or loading spaces, 10 feet from any public street right-of-way.	30 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way, provided that this maximum setback shall not apply to any structure existing on June 3, 2015 and to any structure depicted on an approved final site plan that is valid on June 3, 2015 as having a front setback greater than 30 feet; none, on any lot, including a corner lot, abutting a principal arterial highway or interstate.
Side and Rear-Minimum	**Side and Rear-Maximum**
If the abutting lot is zoned residential, rural areas, or the Monticello Historic district: (i) no portion of any structure, excluding signs, shall be located closer than 50 feet from the district boundary; and (ii) no off-street parking or loading space shall be located closer than 20 feet to the district boundary. If the abutting lot is zoned commercial or industrial, any primary structure shall be constructed and separated in accordance with the current edition of the Building Code.	None
Stepbacks	
Front	**Side and Rear**
For each story that begins above 40 feet in height or for each story above the third story, whichever is less, the minimum stepback shall be 15 feet.	None

Albemarle's current commercial district setbacks include minimum and maximum setbacks; stepbacks for heights greater than 40 feet or more than three stories, whichever is less; and additional setback requirements based on the abutting zoning district.

Increasing setbacks for commercially zoned lots based on an abutting agricultural or residential district is common practice within the benchmark localities. However, the benchmark localities do not use minimum and maximum setbacks and stepbacks are used predominantly as protection along a specific corridor. It is recommended that the Albemarle setbacks for the commercial districts remove maximum setbacks and stepbacks. The new standards should address height with additional setbacks for taller buildings and continue to provide additional setback when adjacent to an agricultural or residential district. The recommendations established in this section of the report include a setback recommendation for lots within the district or abutting other commercial or industrial districts and setbacks for lots abutting a residential or agricultural zoning district.

Commercial (C-1)

The Commercial District is intended to permit select retail sales, services, and public use establishments oriented to central business concentrations. The Commercial District is intended for urban areas, communities, and villages. As such, benchmark districts of similar urban and village density uses were chosen for comparison. As detailed in the table, benchmark localities require considerably more setback for business districts that serve the immediate community. Most of the benchmark localities also provide additional setback when adjacent to an agriculture or residential district, one requiring as much as 100 feet and others with no setback when adjacent to similar districts and increasing to 15 feet when adjacent to agriculture or residential districts. Therefore, the district front and rear setbacks are proposed to increase to align more with benchmark localities and to ensure that future development is appropriately distanced away from roadways to allow future road expansions and modern outdoor uses, such as outdoor cafes.

Albemarle Commercial (C-1)					
County	**Zoning District**	**Front Setback (ft.)**	**Side Setback (ft.)**	**Rear Setback (ft.)**	**Increased Setbacks Abutting AG/Residential**
Albemarle	C-1	10	0	0	X
Prince William	B-1	20	25	25	X
Chesterfield	C-1	40	30	40	
Fairfax	C-5	40	0	20	X
Loudon	GB	50	20	50	X
Henrico	B-1	25	0	40	X
Recommended					
Adjacent to Commercial or Industrial Districts		***20***	***0***	***20***	
Adjacent to Agricultural, Residential, or Monticello Historic Districts		***20***	***50***	***50***	

Commercial Office (CO)

The Commercial Office District is intended to provide for the permitting of development of administrative offices and their supporting accessory uses and facilities. Similar comparative

districts were chosen based on their intent to provide similar land uses. Benchmark localities provide greater setbacks for office districts and most require an additional distance from residential districts. The district setbacks are proposed to increase for parcels adjacent to commercial or industrial districts. Increasing these setbacks aligns the district with benchmark localities and ensures safe future development. The side and rear setbacks from agricultural and residential districts are proposed to remain the same, adding additional distance and area for buffer landscaping between dissimilar uses. The front setback for lots adjacent to agricultural and residential districts is proposed to reduce and align with lots adjacent to commercial districts. The main concerns for front setbacks are safety from highways and the blending of the front building line for appearance purposes. The proposed reduced setback continues to maintain safety, allows for front landscaping, and allows for aesthetically blending of districts and uses along the street.

Albemarle Commercial Office (CO)					
County	**Zoning District**	**Front Setback (ft.)**	**Side Setback (ft.)**	**Rear Setback (ft.)**	**Increased Setbacks Abutting AG/Residential**
Albemarle	CO	10	0	0	X
Prince William	OL	20	0	0	X
Chesterfield	O-1	40	30	40	
Fairfax	C-3	40	0	25	X
Loudon	CLI	25	15	15	X
Henrico	O-1	40	20	40	
Recommended					
Adjacent to Commercial or Industrial Districts		***30***	***10***	***20***	
Adjacent to Agricultural, Residential, or Monticello Historic Districts		***30***	***50***	***50***	

Highway Commercial (HC)

The Highway Commercial district is intended to provide for development of commercial establishments that are primarily oriented to highway locations rather than central business concentrations. While not all benchmark localities had districts of similar intents, comparative districts were chosen based on similar land uses. Benchmark localities provide greater setbacks for districts with highway oriented commercial and most require an additional distance from residential districts. Similar to the other Albemarle commercial districts, future road expansion and pedestrian safety should be priority considerations for this district's setbacks. The district setbacks are proposed to increase for parcels adjacent to commercial or industrial districts. Increasing these setbacks aligns the district with benchmark localities and ensures safe future development. The side and rear setbacks from agricultural and residential districts are proposed to remain the same, adding additional distance and area for buffer landscaping between dissimilar uses. The front setback for lots adjacent to agricultural and residential districts is proposed to reduce and align with lots adjacent to commercial districts.

Albemarle Highway Commercial (HC)					
County	**Zoning District**	**Front Setback (ft.)**	**Side Setback (ft.)**	**Rear Setback (ft.)**	**Increased Setbacks Abutting AG/Residential**
Albemarle	HC	10	0	0	X
Prince William	B-1	25	20	25	X
Chesterfield	C-4	40	30	40	
Fairfax	C-8	40	0	20	X
Loudon	-	-	-	-	
Henrico	B-2	15	0	40	X
Recommended					
Adjacent to Commercial or Industrial Districts		***40***	***10***	***20***	
Adjacent to Agricultural, Residential, or Monticello Historic Districts		***40***	***50***	***50***	

Industrial Districts

Both of the Albemarle industrial zoning districts, Light Industry (LI) and Heavy Industry (HI), follow setback regulations set forth in section 4.20(b) of the Ordinance, which has been included below for reference.

Albemarle Zoning District Sec. 4.20(b)

The following shall apply within the LI and HI districts.

Setbacks	
Front-Minimum	**Front-Maximum**
10 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way; for off-street parking or loading spaces, 10 feet from any public street right-of-way	None
Side and Rear-Minimum	**Side and Rear-Maximum**
In the LI district, if the abutting lot is zoned residential, rural areas, or the Monticello Historic district: (i) no portion of any structure, excluding signs, shall be located closer than 50 feet from the district boundary; and (ii) no portion of any off-street parking space shall be located closer than 30 feet from the district boundary. In the HI district, if the abutting lot is zoned residential, rural areas, or the Monticello Historic district: (i) no portion of any structure, excluding signs, shall be located closer than 100 feet from the district boundary; and (ii) no portion of any off-street parking space shall be located closer than 30 feet from the district boundary. If the abutting lot is zoned commercial or industrial, any primary structure shall be constructed and separated in accordance with the current edition of the Building Code.	None
Stepbacks	
Front	**Side and Rear**
For each story that begins above 40 feet in height or for each story above the third story, whichever is less, the minimum stepback shall be 15 feet.	None

The industrial district standards are significantly similar to the commercial district standards with the most prominent difference being a greater setback for the heavy industrial district from residential, rural areas, and the Monticello Historic district. Including an additional setback for industrial zoned parcels adjacent to agricultural or residential zones is a best practice and

utilized by the benchmark localities. However, the benchmark localities also supply a larger setback requirement for industrial parcels that are encapsulated within a commercial or industrial district. Albemarle's current setbacks are much lower and do not leave room for future road expansion and safe, aesthetically pleasing buffers from large industrial buildings and uses.

Light Industry (LI)

The intent of the Light Industry District is to permit industrial and supporting uses. Similar comparative districts were chosen based on similar land uses. Light industrial districts are typically intended to allow industrial uses that do not create significant noise, vibration, smoke, dust, lint, odor, heat, or glare and therefore are less impactful to the community.

Some setback is needed to provide a safe distance from highways and other industrial uses, and additional side and rear setback should be provided when adjacent to agricultural and residential districts. The side and rear setbacks from agricultural and residential districts are proposed to remain the same. The front setback for lots adjacent to agricultural and residential districts is proposed to reduce and align with lots adjacent to industrial and commercial districts. The setbacks for light industrial parcels adjacent to other industrial or commercial parcels are proposed to increase as a means to protect against future encroachment from road expansion and to ensure safety of the general public.

Albemarle Light Industry (LI)					
County	**Zoning District**	**Front Setback (ft.)**	**Side Setback (ft.)**	**Rear Setback (ft.)**	**Increased Setbacks Abutting AG/Residential**
Albemarle	LI	10	0	0	X
Prince William	M1	20	20	20	X
Chesterfield	I-1	40	30	40	
Fairfax	I-2	50	200	200	X
Loudon	CLI	25	25	25	X
Henrico	M-1	25	0	30	X
Recommended					
Adjacent to Commercial or Industrial Districts		***30***	***20***	***20***	
Adjacent to Agricultural or Residential Districts		***30***	***50***	***50***	

Heavy Industry (HI)

The intent of the Heavy Industry District is to permit industrial and supporting uses having the potential, if unregulated, to cause public nuisances and therefore requiring enhanced performance standards and review for their impacts on surrounding lands and the environment. Comparative districts were chosen based on similar land uses. Due to the size and impact of heavy industrial facilities, they should have greater setbacks than other districts. Setbacks for

this district are proposed with increases except for the front setback of parcels adjacent to agricultural and residential districts.

Albemarle Heavy Industry (HI)					
County	**Zoning District**	**Front Setback (ft.)**	**Side Setback (ft.)**	**Rear Setback (ft.)**	**Increased Setbacks Abutting AG/Residential**
Albemarle	HI	10	0	0	X
Prince William	M2	20	20	20	X
Chesterfield	I-2	40	30	40	
Fairfax	I-1	320	200	200	
Loudon	MR-HI	30	15	25	X
Henrico	M-2	25	0	30	X
Recommended					
Adjacent to Commercial or Industrial Districts		***50***	***30***	***30***	
Adjacent to Agricultural or Residential Districts		***50***	***100***	***100***	

Planned Development Districts

The purpose of Planned Development Districts is to encourage innovative and efficient land use planning and physical design on large, unified sites. Planned Development Districts typically: achieve a high quality of development; provide a mix of uses; allow more efficient use of land through coordinated networks of streets, utilities, and pedestrian connections, both within the development and to adjacent development; and promote development forms and patterns that respect the character of established surrounding neighborhoods. The Albemarle County Zoning Ordinance contains several planned development districts, including residential, commercial, industrial, and mixed use. Benchmark localities contain planned districts, but they are fewer in number, and most do not contain setback requirements. However, given the total number of districts, both planned and unplanned, and the current similarities between them there is no clear reason, other than lot size, to choose one district over another. As Albemarle moves through the ordinance update process, consideration should be given to the need for each district; does each district create its own character and place, and serve individual needs.

One form of simplification for the ordinance would be to create an overarching Planned Unit Development section or division that supplies one set of minimum setback standards for all planned developments. The existing planned development districts would still exist as accepted types of planned development districts and a waiver process can be provided for developments that wish to deviate from the required setbacks. A standard minimum setback of 15 feet front, 10 feet side, and 15 feet rear setback would sufficiently capture and protect various forms of development. All of the Planned Development Districts are briefly described below to aid in consideration of this recommendation.

Planned Residential Development (PRD)

The Planned Residential Development is intended to provide flexibility for developers and help create efficient land uses. It is recommended for areas that are provided in the Comprehensive Plan to include densities greater than fifteen dwelling units per acre. The current ordinance requires this district meet the same setback requirements of other residential districts. Benchmark localities that require setbacks required anything from 10 feet to 25 feet for the district, specific uses within the district, or areas of the district adjacent to more rural districts.

Planned Unit Development (PUD)

Planned Unit Developments are intended to serve as neighborhoods within designated communities and the urban area. As noted in the district intent they should contain appropriate commercial, industrial, and residential uses. It is assumed these developments would contain neighborhood commercial, light industrial, and low to medium density residential. Benchmark localities that require setbacks required anything from 10 feet to 25 feet for the district, specific uses within the district, or areas of the district adjacent to more rural districts.

Neighborhood Model District (NMD)

The Neighborhood Model District in intended to establish a planned development district in which traditional neighborhood development, as established in the County's Neighborhood Model, will occur. It is intended to provide for compact, mixed-use developments with an urban

scale and density. Most benchmark localities do not contain specific setbacks for this type of district. However, staff has identified that this district is requested and approved frequently with each approval containing their own setbacks. Over time this becomes unwieldy and difficult to administer. For administrative and cohesive purposes this district is included in the planned development setback standard.

Planned Development – Shopping Centers (PD-SC)

The Planned Development – Shopping Centers District are intended to permit the development of neighborhood, community, and regional shopping centers. Most benchmark localities did not have a similar planned district. Albemarle should consider if this is a necessary district or if this need can be served as a use within other commercial or planned districts. Currently, setbacks are not specified in the ordinance. If maintained, this district should be included in the planned development setback standards.

Planned Development – Mixed Commercial (PD-MC)

The Planned Development – Mixed Commercial District is intended to permit development of large-scale commercial areas with a broad range of commercial uses. Additionally, this district is intended to contain internal roads to reduce impact to existing major highways. This district will require careful planning and site management, the standard planned development setbacks are recommended for this district, but it is anticipated that developers may apply for a waiver if the setbacks do not appropriately serve the development.

Planned Development – Industrial Park (PD-IP)

The Planned Development – Industrial Park District is intended to permit a variety of industrial and supporting uses. The district does not intend to distract from other surrounding districts, and the current ordinance requires that the district meet the setbacks of the existing industrial districts. These districts are being recommended to remove stepback requirements and to contain separate setback requirements. The Planned Development – Industrial Park should meet the standard planned development setbacks for internal parcels. However, setbacks for uses adjacent to other less intense districts should be required to meet those established for the light industrial district. This will aid in the transition of development type and reduce impact from dissimilar uses.

Land Uses & Definitions Analysis

Land uses are regulatory terms that describe the specific activities permitted within each zoning district – either by-right or through the legislative approval of a special use permit. A key focus of Phase I is to update the land use terminology and definitions to ensure consistency, clarity, and ease of interpretation. The proposed land use terms and definitions are based on the following observations and recommendations.

Land Use Terminology

The current Zoning Ordinance includes archaic and precise land use terminology that does not allow for flexibility or adaptation for modern needs. With so many detailed uses, County staff has indicated that interpretation of the ordinance can be cumbersome and time consuming. Broadening, modernizing, and consolidating land use terms will create a more user friendly Ordinance for residents, businesses, and County staff alike.

Broadened Terms – Land use terms should be broad enough to allow flexibility and adaptation over time. For example, the current Zoning Ordinance provides amusement centers, bowling alleys, dance halls, and pool halls as separate uses with similar use permissions. These all add unnecessary clutter and text to the ordinance and are proposed to be combined into a single generic 'Commercial Indoor Recreation/Amusement' use.

Modernized Terms – New terms may be needed to address new technology or needs not previously considered in the Ordinance. In addition, some archaic terms may be better described with more modern land use terms. Examples include adding uses such as, microbrewery, small-scale manufacturing, and mixed use structures.

Consolidated Terms – Duplicate or similar land uses can also be tied in with broader terminology to enhance the readability of the Ordinance. For example, the current Ordinance provides both 'Agricultural Museum' and 'Museums' as two separate uses that can be combined under the term 'Cultural Facility' with similar permissions and use standards.

The proposed changes to land use terms will streamline the ordinance to align with today's economy, provide flexibility to adapt to new uses, and ease administrative burden.

Definitions

Several land uses provided for throughout Albemarle County do not currently include any associated definitions within the Ordinance. All land uses within a Zoning Ordinance should contain an associated definition to help allow administrators the ability to accurately make determinations and classify proposed new uses.

These definitions should also allow for flexibility in determinations of future uses. All proposed new uses include definitions, and those which capture multiple uses provide examples of those uses.

These changes, to land uses definitions, will help reduce ambiguity and enhance clarity within the Zoning Ordinance to better equip administrators to make consistent, legally-defensible determinations and better provide for the health, safety, and well-being of the County.

Land Use Matrix

Most modern zoning ordinances provide a composite use matrix rather than district-by-district use lists. A use matrix tabulates all possible land uses within a Zoning Ordinance with their associated permissions in each zoning district. This allows a user to easily identify where a use is permitted, either "by-right" or "by special use", without searching throughout the entire Zoning Ordinance. The use matrix format is particularly useful for potential businesses considering locating in the County. The use matrix should also indicate when uses have additional performance standard requirements and provide a reference to the applicable ordinance section.

After receiving Planning Commission feedback on the draft definitions, the Berkley Group and Albemarle County staff will recommend a proposed use matrix utilizing the new definitions. In most cases, land use permissions will be proposed to remain as provided in the current Zoning Ordinance. However, there are some instances where this may not be the case, as the proposed use terminology may group terms that currently have different district permissions. In these cases, proposed district permissions will be proposed based on Berkley Group's recommendation in consultation with Albemarle County staff.

Notable Exceptions

Based on input from County staff, there are several land uses that have been left in their current state due to their special nature and several land uses that are proposed to change but the change creates a change in policy. This section of the report intends to point out these instances for further consideration.

Rural Area (RA) District Uses – The use permissions in the Rural Area Zoning District have been carefully created over many years to adequately reflect the unique character of the district within the County. Any consolidation of uses have been carefully crafted to ensure that the use within the RA district will continue to have the same permissions and that no changes to the types of uses or character of uses have been made in the rural areas of the County. In some instances, this meant retaining specific uses instead of modernizing terms or consolidating with other uses. For example, Country store, class A & B are maintained instead of consolidating to Convenience Store.

Public and Private Utilities – There were multiple instances of uses that are allowed based on their access to public water and sewer, in most instances a use with public utilities was by-right but one using private utilities requires a special use permit. Due to the unique characteristics of these uses and Albemarle's previous policy decisions, these requirements have been preserved and the uses were not consolidated.

Monticello Uses – The current ordinance identifies several uses as Monticello based. For example, Monticello Scholar Residences are provided as a use. This and other Monticello uses may be incorporated into other similar uses and any special standards related to Monticello could be provided within the use performance standards. However, staff has recommended these distinct uses be maintained in Phase I of the project and revisited in future phases.

Dwelling, Townhouse – This use is proposed to consolidate Attached single-family dwellings and Semi-detached and attached single-family dwellings. These uses currently include a performance standard that each unit must be provided on a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall. This consolidation would eliminate that standard. However, the use would be required to follow the standards for the district in which it is allowed in, and any additional standards could be supplied in an article of use performance standards.

Parking, On-Site – The Albemarle Zoning Ordinance identifies several types of parking structures and stand alone parking uses. These uses vary between the districts they are allowed in and whether they are by-right or require a special use permit. The Berkley Group recommends that these be treated equally as a by right use with use performance standards. This would be a policy change that requires consideration.

Conclusion & Next Steps

The Berkley Group recommends that Albemarle County update its setbacks, uses, and definitions in accordance with the recommendations in this report. The proposed recommendations will provide modernized uses that address current planning best practices standards and comply with the Code of Virginia. Additionally, the County should consider adopting simpler baseline setbacks of front, side, and rear setback numbers for each individual zoning district and add minimal additional regulation standards.

During the Planning Commission meeting on April 26, 2022, County Staff and the Berkley Group will present the information in this report and lead a discussion on the recommended ordinance changes. Based on the feedback received, additional refinement of the recommendations will be considered and incorporated into a draft ordinance for formal review and amendment of the ordinance through the public hearing process. The following specific next steps will be addressed in the draft ordinance:

1. Proposed setback changes
2. Proposed land use terms and definitions
3. Proposed use matrix that applies new land use terms and definitions across the various zoning districts

With these changes, the Albemarle County Zoning Ordinance can become clearer and simpler for both citizens and administrators.