



County of Albemarle COMMUNITY DEVELOPMENT

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MEMORANDUM

To: Planning Commission

From: Lea Brumfield, Senior Planner II

Date: December 13, 2022

Re: Zoning Modernization Work Session

From August to November 2022, staff worked with the Berkley Group, a Virginia-based consulting firm, to begin the first phase of a multi-year effort to modernize the County's zoning ordinance. This followed an initial effort in spring 2022 to simplify setbacks and create a new land use matrix, after which the Zoning Modernization initiative was revised to align more harmoniously with the County's update of the Comprehensive Plan.

This first phase will include:

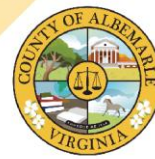
1. An Ordinance Diagnostic
2. A Proposed Table of Contents
3. Draft articles for
 - a. General
 - b. Administration
 - c. Permits and Applications
 - d. Nonconformities

To date, the first phase has included the following stakeholder engagement:

- Resolution of Intent adopted by the Board of Supervisors
- Feedback and suggestions for this phase collected from County staff
- Planning Commissioners interviews
- Focus group listening session with the Charlottesville Area Development Roundtable (CADRe)

This engagement has been incorporated into the Berkley Group's Ordinance Diagnostic and Proposed Table of Contents, which will be presented at the Planning Commission work session on December 13, 2022.

Following the work session, the Berkley Group will begin drafting ordinance articles, and staff will coordinate with the Communications and Public Engagement Office (CAPE) to hold a public open house for Phase 1 in January 2023. Staff intends to return to the Planning Commission for a work session on the resultant ordinance articles in February 2023.



Overview:

Albemarle County has partnered with the Berkley Group, a local government consulting firm, to update, modernize, and restructure the zoning ordinance. The update process has been split into five separate phases of work over the course of the next few years. The revised zoning ordinance will:

- Provide streamlined and user-friendly regulations;
- Incorporate best planning practices and current state code requirements;
- Address the goals and strategies identified in the Comprehensive Plan; and,
- Consider citizen needs and issues identified through the public engagement process.

This process will be guided by County staff, the Planning Commission, and the Board of Supervisors with opportunities for input from the community.

Agenda:

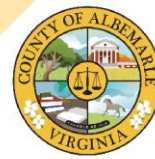
The December 13, 2022, meeting will focus on reviewing the diagnostic report and collecting feedback and direction on the proposed structure of the Zoning Ordinance. The following agenda is provided as an outline for discussion:

1. Schedule & Progress to Date – 5 minutes
2. Zoning Ordinance Evaluation Report – 30 minutes
3. Proposed Ordinance Structure – 20 minutes
4. Next Steps – 5 minutes

Schedule and Progress to Date:

Progress to date includes:

- **PC Reset and Kickoff Meeting** – The initial reset and kickoff meeting for the project was conducted with the Planning Commission on August 22, 2022. The meeting discussed the phasing of the new project and the intended schedule of the first phase.
- **Staff and PC Interviews** – Interviews were conducted with Albemarle Office of Community Development staff and Planning Commissioners during the months of September and October. These interviews were intended to receive feedback based on the strengths and weaknesses of the current ordinance and permitting process.
- **Focus Group Listening Session** – A listening session was held with the Charlottesville Area Development Roundtable (CADRe) on November 10, 2022. This session allowed for key stakeholders in the community to give their input on the current Zoning Ordinance and permitting process.



Zoning Ordinance Evaluation Report:

The zoning ordinance evaluation report compares the existing Albemarle County Zoning Ordinance with the Code of Virginia and best planning practices. The report outlines potential revisions that can be incorporated or further explored during the Zoning Ordinance update to reflect best practices, strengthen, and clarify requirements, and align with the Code of Virginia. The report includes three attachments:

Attachment A: Zoning Ordinance Diagnostic Matrix

The diagnostic matrix is an assessment of how well the Albemarle County Zoning Ordinance complies with the requirements of the Code of Virginia, specifically Title 15.2, Chapter 22: Planning, Subdivision of Land and Zoning.

Attachment B: Table of Contents Crosswalk

The table of contents crosswalk provides a general proposed structure for the new Zoning Ordinance and identifies where existing text may be placed within the new ordinance.

Attachment C: Engagement Summary

The engagement summary includes feedback from the Office of Community Development staff, the Planning Commission, and CADRe regarding challenges with the existing Zoning Ordinance and permit processes.

Proposed Ordinance Structure:

Attachment B of the Evaluation Report contains the proposed ordinance structure.

Structural reorganization is recommended to provide a streamlined, more user-friendly ordinance that offers readability and transparency. This crosswalk serves to ensure that all existing sections are accounted for throughout the phased drafting process. It is important to note that this is a proposed ordinance structure, and titles and sections may shift during drafting to achieve the best organization of the final document. When reviewing the crosswalk of existing sections and new proposed location, any items that contain more than one proposed location indicate that the existing text will be split into those locations, as appropriate.

Next Steps:

The Berkley Group will begin drafting ordinance articles. Articles to be discussed at the next meeting include:

- General
- Administrative
- Related Definitions



Albemarle County

Zoning Ordinance
Evaluation

December 13, 2022



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Overview

This report identifies actions Albemarle County should consider to strengthen the Zoning Ordinance and ensure compliance with the Code of Virginia requirements. Specific actions are also recommended to improve the consistency, clarity, and completeness of the Zoning Ordinance. These recommended changes will improve the ability of public officials, citizens, and other stakeholders to understand, administer, and use the ordinance.

Albemarle County Zoning Ordinance Evaluation

Purpose and Scope

A Zoning Ordinance is the key tool localities use to regulate the use, development, and design of land to ensure the health, safety, and wellbeing of the community. As part of Albemarle County's Zoning Ordinance update, the County commissioned a study to examine the Zoning Ordinance for compliance with the Code of Virginia and other planning best practices.

The Berkley Group, a Virginia-based local government consulting firm, completed this assessment, which included the following tasks:

1. Analyze the Zoning Ordinance of the Albemarle County Code for compliance with the Code of Virginia and best practices.
2. Provide current zoning best practice recommendations.
3. Incorporate known ordinance strengths and weaknesses as provided by Planning Commission and Albemarle County staff knowledgeable with the zoning and subdivision regulations.



Process

The project began with two kick-off meetings, one with the Albemarle County staff, the other with the Albemarle County Planning Commission, to discuss broad community goals and specific issues with the County's current ordinances. These meetings were followed by two interviews with Albemarle County Office of Community Development staff, one consisting of zoning staff and another consisting of planning staff. Additional interviews were conducted with every member of the Albemarle County Planning Commission. Following these interviews, a focus group listening session was conducted with the Charlottesville Area Development Roundtable (CADRe) group.

These interviews and listening session were intended to receive more in-depth feedback from staff, Commissioners, and key community members with direct involvement of the ordinance and permitting process, regarding the strengths and weaknesses of the current Zoning Ordinance. A summary of the discussions held during these meetings and interviews can be found in the engagement summary, included in Appendix C of this report.

Following these interviews, a comprehensive review of Albemarle County's Zoning Ordinance was carried out to assess how well the ordinance complies with the requirements of the Code of Virginia. The Zoning ordinance was reviewed for compliance with Code of Virginia Chapter 22: Planning, Subdivision of Land and Zoning. The ordinance was assessed for compliance with each pertinent Code of Virginia section and analyzed for potential improvements to structure and content.

This diagnostic matrix is included in Appendix A of this report for easy reference and examination.

In addition to the comprehensive review of the Zoning Ordinance, an outline for the organization of a new updated Zoning Ordinance has been created and includes a table of contents crosswalk. This crosswalk identifies new article and division headings for the updated ordinance and matches them to current sections of the Ordinance. This provides the general order of the new ordinance and where current regulations will be located. This table of contents, and its corresponding crosswalk, is included in Appendix B of this report.

- Appendix A: Zoning Ordinance Diagnostic
- Appendix B: Proposed Table of Contents and Crosswalk
- Appendix C: Engagement Summary Report

Zoning Ordinance



Diagnostic Matrix

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County Input

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FINAL REPORT

&

ANALYSIS

Planning Commission Priorities:

On October 2022, the Albemarle Planning Commission met in groups of two with staff members from the Berkley Group in an informal interview style discussion intended to identify strengths and weaknesses of the current Zoning Ordinance. These interviews helped identify the top priorities of the Planning Commission for the updated Zoning Ordinance as follows:

- Planning and Zoning Applications should be more thorough and uniform, including similar levels of detail for all applications.
- Land use permissions should be reevaluated to reduce the number of special use permit requests.
- District standards need to be edited or refined to address rural, suburban, and urban areas.
- There needs to be more distinction in regulations between different parts of the rural area to allow for limited development in appropriate places.
- Design standards should be updated to remove outdated standards and standards that no longer reflect the desired look and feel of the communities they regulate.

Albemarle County's land use ordinances should be revised to reflect current best practices in zoning and land use; to strengthen and enhance the ordinances' ability to implement the policies and priority items of the updated Comprehensive Plan; and to improve clarity and ease of use with the following actions:

Albemarle County Zoning Ordinance Evaluation

Zoning Ordinance Key Findings

1. Restructure and reorganize the Zoning Ordinance into a streamlined, clear, and user-friendly document.
2. Clarify and simplify provisions related to zoning permits and development plans to make these application requirements easier to understand and navigate for both County staff and community members.
3. Update land uses by broadening overly specific terms, consolidating like terms, and modernizing antiquated terms, as well as including new land uses required by the Code of Virginia.
4. Create a land use matrix to include within the Zoning Ordinance for easy reference and comparison of land uses and their permissions within zoning districts.
5. Consolidate land use performance standards into one Article. Revise existing performance standards to reduce modifications and waiver requests. Reduce many overly burdensome land use performance standards to reduce the amount of administrative burden placed on staff. Create new land use performance standards to allow for by-right uses of commonly approved special use permits.
6. Edit community design standards to align with the Virginia Department of Transportation, to achieve environmental goals, and to reduce modification requests.
7. Revise the district standards to implement the vision and goals of the new Comprehensive Plan and eliminate or modernize standards that are frequently waived, modified, or are difficult to administer.
8. Institute an annual, or bi-annual, technical review and update of the Zoning Ordinance to identify and correct regulations that are causing undue burdens on staff and community members and to update the ordinance with changes from the Code of Virginia.

Chart 1
Applicability of
Code of Virginia Sections

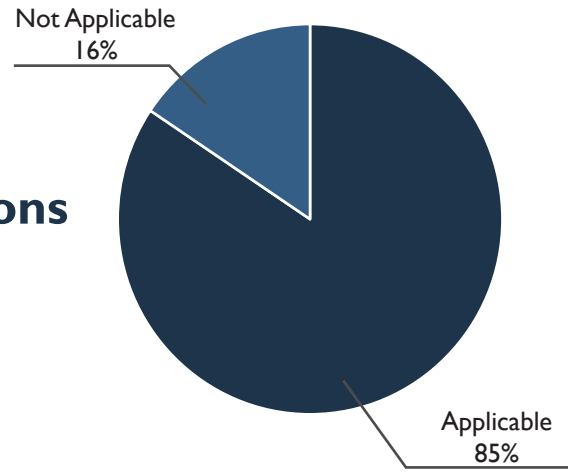


Chart 2
Compliance with Mandatory
Applicable* Sections

*Chart does not include Optional or Non-Applicable percentages
Total Optional Provisions: 30%
Total Non-Applicable Provisions: 16%

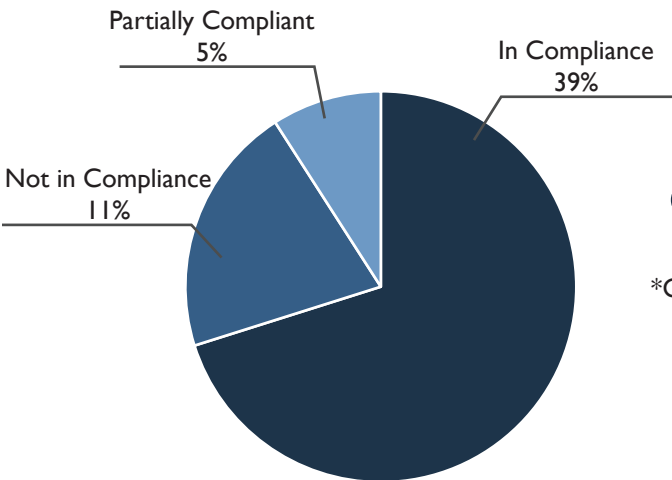
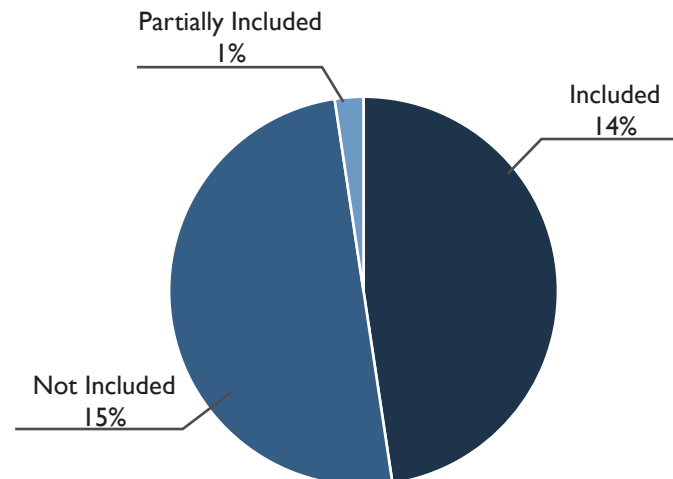


Chart 3
Optional* Provisions
Usage

*Total Optional Provisions: 30% of all provisions



This set of diagrams showcases the Zoning Ordinance's overall applicability and compliance with the Code of Virginia's zoning regulations. A detailed analysis is provided in Appendix A; these charts offer a broad look at Albemarle County's standing.

Chart 1: Highlights the percentages of the Code of Virginia regulations that are and are not applicable to the Zoning Ordinance. The applicable percentages includes both mandatory and optional provisions.

Chart 2: Highlights the collective percentage of the Zoning Ordinance that fully complies, does not comply, or partially complies with the Code of Virginia. These figures do not include optional provision percentages.

Chart 3: Highlights the percentage of optional provisions that are included, not included, or partially included in the Zoning Ordinance.

The Zoning Ordinance is the local code that provides regulations and requirements for the use and development of land. Zoning divides a locality into specific districts and establishes regulations concerning the use, placement, spacing, and size of land and buildings within the respective districts. The Zoning Ordinance is the primary instrument used by localities to implement the long-range vision found in the Comprehensive Plan. Albemarle County's Zoning Ordinance is mostly in compliance with the Code of Virginia and includes many detailed provisions. Yet, the Zoning Ordinance could be updated and improved to better manage land development activities, enhance clarity, and ensure additional compliance with the Code of Virginia.

See Appendix A for recommendations.

Albemarle County Zoning Ordinance Evaluation

Federal and State Compliance

In general, the Albemarle County Zoning Ordinance is in compliance with requirements of the Code of Virginia and does a thorough job of including references to code sections throughout. There are a number of items, however, that should be incorporated as either optional provisions or as recent updates to the Code of Virginia. While some of these mandatory provisions may be administered in practice by the Albemarle Office of Community Development staff, any provisions not explicitly stated within the Zoning Ordinance were considered out of compliance. A Code of Virginia compliance analysis is included that shows the breakdown of how the Zoning Ordinance is fully, partially, or not in compliance with the Code of Virginia. The Zoning Ordinance diagnostic (Appendix A) itemizes each Code of Virginia section that must be addressed.

Organization and Structure

Due to the size and age of the Zoning Ordinance, navigating it and finding specific regulations can be a tedious and difficult task. There are many provisions that are only required in certain circumstances, many repealed sections that are sometimes still being referenced elsewhere in the ordinance, and regulations found in multiple locations that can seem redundant or at times conflicting. A complete overhaul of the organizational structure of the Ordinance is recommended, which could include utilizing Articles, Divisions, and Sections to improve usage and future amendments.

A suggested table of contents is included in Appendix B of this report, and it outlines a recommended ordinance structure with Articles and Divisions.

Fee Schedule

Fees for all zoning actions are currently found within Article IV, Section 35, of the Ordinance. Instead, this section should simply provide a reference to the overall County fee schedule which should include fees for all County government departments. This fee schedule can be reviewed annually during budget adoption and easily amended.

Recommended Zoning Ordinance Structure, by Article

I. General	VI. Use Matrix
II. Administration	VII. Use Standards
III. Permits & Applications	VIII. Community Design
IV. Zoning Districts	IX. Nonconformities
V. Overlay Zoning Districts	X. Definitions

Permitting Process

The Berkley Group's review, along with input from Staff, Planning Commission, and CADRe, identified several opportunities to improve Albemarle County's permitting regulations to create more clear, streamlined, and user-friendly processes.

Permits for waivers, modifications, variances, or special exceptions are all used as zoning approval processes to deviate from ordinance requirements. The nuances between these permit types reflect differences in approval authority (i.e., administrative, BZA, PC, or Board) and whether or not the deviations have specific limitations as provided within the ordinance. In practice, all of these permits achieve the same end but make the process unnecessarily confusing and difficult to manage, especially from an outside perspective. A simplified permit structure could include Special Use Permits for special uses in districts, variances for rare individual deviations from regulations in the ordinance, and modifications for an administrative approval of more regular case by case deviation from regulations in the ordinance.

Reducing the amount of zoning approval permits that require a public hearing process should be an important goal for any Zoning Ordinance update. Allowing zoning officials to administratively approve these variations in regulations is one way to shorten applicant timelines and ease the burden of the public body. Setting additional standards for variation within the ordinance can help guide staff and make the process of acquiring zoning approvals much more streamlined.

Required information for applications should be very clearly stated and outlined in an user-friendly manner in the Zoning Ordinance. Identifying what an applicant needs for each specific type of application will help streamline the process and ease administrative burdens and backlogs. For instance, if an applicant needs to get approvals from other specific County or State agencies, that should be included in the permit text of the ordinance. Additionally, the steps and state-code mandated timelines of permit approvals should be clearly provided in the Ordinance. Including a simple process graphic may answer many applicant questions. The permit process can also be aided by holding a work session on the application request prior to the public hearing. This provides an opportunity to ask questions, gain additional insight, and ensure the information provided is sufficient to make a decision.

Example Permitting Process Graphic

Pre-Application Meeting



Official Application Submittal



Staff Review



Community Meeting



Planning Commission Worksession



Planning Commission Public Hearing



Board of Supervisors Public Hearing

Site Plans

The provisions and process for site plans found in Article IV are expansive and difficult to understand and administer. Reducing the amount of redundant and overlapping requirements in the process can help increase clarity and ease the burden on both developers and administrators.

The current site plan approval process allows applicants to resubmit site plans, without limitation, which can slow the process. This not only makes the process take longer than intended but it increases the frequency of poor or incomplete submissions. The ordinance should clearly outline the denial of site plans based on incomplete applications, with a minimum resubmission time, to help alleviate these issues.

The ordinance requires the submission of initial and final site plans which may be unnecessary and add to administrative burdens. However, the initial site plan approvals allow applicants to begin certain development processes, such as initial site grading. Albemarle County should reevaluate this process and consider removing the provisions for initial site plans, instead favoring a single final site plan approval process with options for a pre-submission site plan meeting with staff to evaluate the completeness and appropriateness of the site plan; approval of initial site grading after certain criteria are met; and post-submission meeting with various department staff to coordinate discrepancies and resolve issues.

Site plan regulations should clearly state what is needed with an application to achieve site plan approval. Currently, Erosion and Sediment Control

approvals and recorded easement plats are required for applicants but not explicitly stated in the regulations. If exact requirements are clearly stated within the ordinance and offered as a reference checklist in accessible areas for applicants, it will help alleviate incomplete site plans and further reduce the need for initial site plan approvals.

Districts & District Standards

General District Standards

Albemarle County should update all district standards to reflect the changes to the Comprehensive Plan update, include current zoning best practices, as well as alleviate planning and zoning challenges related to these standards. Many of these standards are complex, difficult to administer, and often receive applications for modifications or waivers to change, which adds additional administrative burden as these often need Board approval. Such instances include challenges with step-backs for building heights, encroaching setbacks for parking and accessory uses, and rigid transitional lines between high- and

Rural Areas District

The Rural Areas District makes up the majority of the County and is very restrictive on the type and amount of development that can occur. This may help preserve rural character but also has the unintended effect of hindering quality of life in rural areas. Applications for non-agricultural or single-family housing uses require complex details, and it is challenging for applicants to provide low-impact commercial services or alternative housing options to the rural area. Certain low-impact uses should

be allowed in the rural areas and be accompanied by performance standards to reduce negative impacts to existing rural character.

Neighborhood Model District

Development in the Neighborhood Model District requires a complex application process which can be difficult for applicants and administrators. The Neighborhood Model District should be reevaluated to create a more traditional zoning district, with less variation in standards, that still formulates a look and design of the Neighborhood Model or incorporates many of these provisions as found in the Comprehensive Plan for any new Neighborhood Model Developments.

Flood Hazard Overlay District

The Flood Hazard Overlay District is very thorough but contains confusing text. This makes it difficult to administer. The provisions in this section of the ordinance seem to be older and may no longer reflect best standards as provided in Federal Emergency Management Agency guidelines. An update and overhaul of this section of the ordinance is recommended to ease administration of uses within the floodplain.



Uses and Definitions

Some land uses and their corresponding definitions required by the Code of Virginia are missing from the Zoning Ordinance, most notably terms from § 15.2-2293.1, referring to amateur radio antennas, from § 15.2-2316.3, referring to terms related to small cell facilities, and from § 15.2-2316.6, referring to terms related to solar energy project siting agreements.

Broadening terms and definitions can also allow additional zoning flexibility and adaptation for administrators. There are several specific land uses that may be relevant to only one or two instances in the County and can be consolidated into broader uses to facilitate additional zoning flexibility. For example, amusement centers, bowling alleys, dance halls, and pool halls are all listed as individual land uses, with similar use permissions, which can be combined into a single generic “commercial indoor recreation/amusement.” The Ordinance also provides for both an agricultural museum use as well as a museum use which can be combined to a term such as “cultural facility” with similar use permissions and standards.

As technology and planning practices evolve over time, additional modern uses are needed for incorporation into zoning ordinances to facilitate these changes. In addition, some archaic terms may be better described with more modern land use terms. Examples of modern uses include small-scale manufacturing and mixed-use structures.

Definitions should be clearly organized into one Article that holds definitions for the entire ordinance. Currently, there are definitions in sections of the ordinance that only apply to that section, but this is not a consistent practice throughout the ordinance. Within a consolidated article of definitions, definitions can be further grouped together by topic and in alphabetical order to make finding these definitions straightforward. For instance, all solar definitions can start with the word “solar,” followed by their specific term. Each permitted land use should have an accompanying definition, and all definitions should be clear to avoid interpretation issues.

Definition Recommendations

Addition or Revision for Compliance with the Code of Virginia

- Amateur Radio Tower
- Small Cell Facility
- Solar energy Project Siting

Recommended for Consolidation

- Cultural Facilities
- Museums
- Commercial Indoor/Outdoor Recreation/Amusement

Recommended New Use for Code Modernization

- Small-Scale Manufacturing
- Mixed-Use Structure

This list highlights examples, and is not inclusive of all possible recommendations.



Photo: Department of Historic Resources

Use Matrix

A current version of the Albemarle County land use matrix is being used internally by County staff with access to it through the Albemarle County website. This land use matrix is not, however, included in the Zoning Ordinance and should be incorporated with its own dedicated section to help ease administrative burdens and make it more accessible for community members.

A reorganization of the land use matrix is recommended to enhance readability and usage of the Ordinance. Grouping similar land uses into use type categories in the matrix can help facilitate this, with categories such as residential, commercial, industrial, agricultural, temporary, and miscellaneous. The current matrix has several footnotes and differing situational uses. Removing these and simplifying the matrix will make it easier for community members unfamiliar with a land use matrix to utilize and obtain answers.

Use Standards

Use performance standards are included across several different sections in Article II, with the bulk being found in Section 5.1. These standards should be located in one Article and placed within categorized subsections similar to the organization proposed for the use matrix, such as residential, commercial, industrial, etc. Sorting these subsections of uses into an alphabetical order will also help increase readability of the Ordinance.

There are also several examples of current uses that require special use permits but are often regularly approved with very similar conditions applied to their permits. Some of the uses that have been identified include veterinary offices, electrical substations, telecommunication uses, signs, pet care or kennels, country stores, day/night care centers, preschools, and limited family day homes. Such uses should be changed to by-right in appropriate districts with accompanying use standards reflecting the common conditions applied to these use permits.

Current use standards should be examined for those that commonly receive requests for modifications, waivers, or variances to their standards, especially for those regularly approved, such as homestays and telecommunication uses. This is usually an indication that current use standards are too stringent and may need modification to better serve the community.

In addition to modifying use standards of the ordinance, any major ordinance update creates an opportunity for integration of any past zoning determinations to be incorporated, updated, or aligned with the new text. It also provides an opportunity to incorporate clear text from guidance documents, FAQ sheets, and applications.

Specific Uses

Home Occupations

The current regulations for home occupations are difficult to understand and overly complex with different regulations for the rural area compared to all other zoning districts. This has created additional burdens to administer these provisions and difficulty for applicants. These regulations should be reevaluated and combined into two or three classes, such as home occupations with no customers, employees, or outside storage; home occupations with a couple of employees and/or customers; and home occupations with employees and/or customers and outside storage. These classes should apply to all zoning districts with very simple and measurable performance standards.

Homestays

Homestays are currently a by-right use in all residential districts in the County, with accompanying use performance standards. These use standards are extensive and include some overly burdensome tasks for both applicants and administrators.

In addition, certain use performance standards for homestays trigger special exception approvals by the Board of Supervisors, which staff has noted as a frequent request with similar conditions and approval. The County should consider reviewing and reducing these standards to ease the burden for applicants, administrators, and the Board.

Solar Energy Facilities

Currently, solar energy facilities are provided for and defined in the Ordinance as “solar energy system”. This use should be split into multiple classes of solar energy facilities based on the size of the facility. Additional standards should apply to each individual class so that simple roof top solar panels are not being treated similarly as large, utility scale, solar energy farms. While some of this may be occurring in practice, such as allowing rooftop solar panels of a certain size by-right in residential districts, the regulations and allowances should be clearly laid out within the Zoning Ordinance for ease of use by the community.

Telecommunications

The current provisions covering telecommunications is thorough and adequate but needs to be updated to better reflect changes to the Code of Virginia. In addition, this use has been identified as one that requires regular Board approvals for simple modifications or waivers and these requests are regularly approved. This section of the ordinance should be reevaluated to identify where regulations can be aligned with requests and approved administratively.

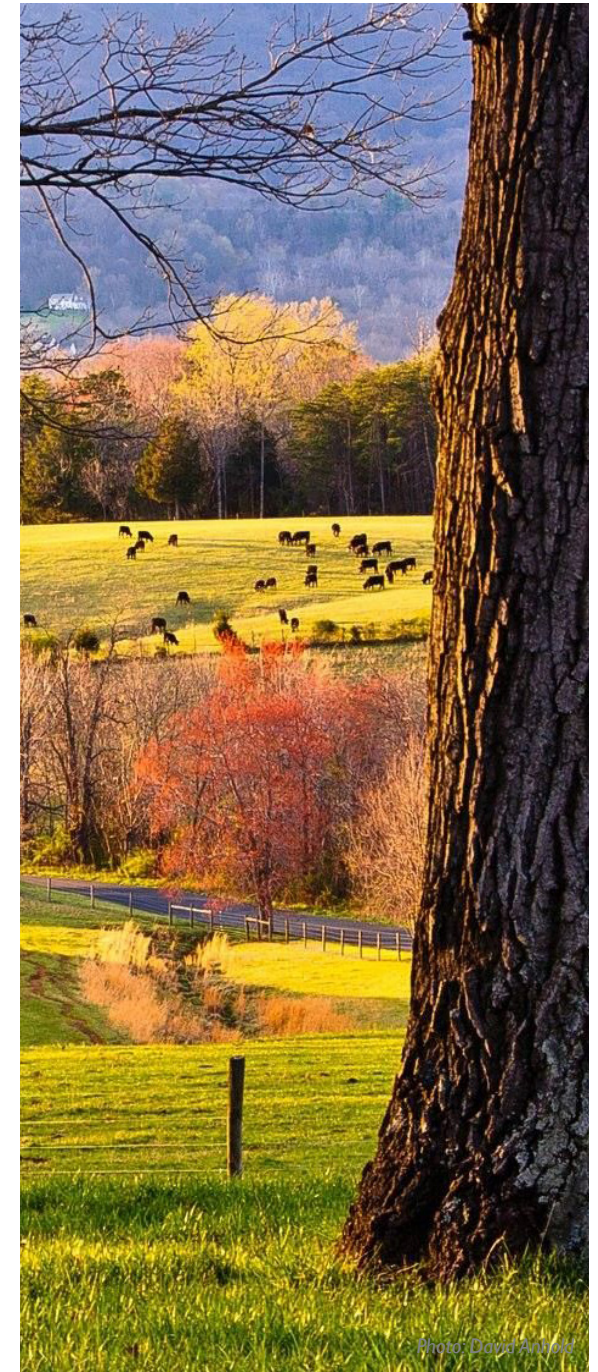


Photo: David Arnold

Community Design Standards

Streets and Landscaping

Street requirements are facing many challenges, including conflict with the Virginia Department of Transportation (VDOT). Street regulations and landscaping standards should be reviewed and updated to better align with current VDOT standards and best planning practices. Landscaping standards should consider native species as well as appropriate mature sizes. Street and landscaping standards also need to be uniform throughout both the Subdivision and Zoning Ordinances to ensure that no conflicts arise.

Parking Requirements

Albemarle County may want to consider reducing the amount of required parking spaces throughout all zoning districts and modifying parking regulations to better reflect this change, such as incorporating a maximum parking amount. Additional design standards for parking may be instituted on a per district basis, such as longer parking spaces for residential districts to reduce the amount of overhang on sidewalks or restricting commercial parking in the front of commercial developments to help achieve desired design.

The parking requirements also require that parking needs to be surfaced but does not explain to what extent. Incorporating specificity for acceptable parking surfaces will ease interpretation and administrative burdens. The new parking standards should consider community environmental goals and must be addressed in both the Zoning and Subdivision Ordinances to prevent conflicts.

Critical Slopes

There are currently two different sections regarding slopes in the Zoning Ordinance, Section 4.2 Critical Slopes and Section 30.7 Steep Slopes Overlay District. This can cause undue confusion for users of the ordinance.

The County currently differentiates between critical and steep slopes based on whether or not they are located in a development area. This can provide unnecessary confusion for administrators addressing these regulations. Terminology should be distinct, clear, and consistently used throughout all districts in the County. In addition, these regulations could be modified and reduced to allow for minor disturbances to these managed land areas and reduce administrative burdens.

Signs

The Zoning Ordinance includes a robust section detailing the regulations for signs throughout the County. This section includes regulations for temporary signs and distinguishes requirements of temporary signs based on their content. The Ordinance should be updated to provide regulations for all temporary signs regardless of their content and not distinguish different rules for the use associated with the temporary sign. Instead, the County should regulate temporary signs based on characteristics such as size or property type, rather than content.

Some signs are currently required to receive a special use permit, approved by the Board of Zoning Appeals (BZA). This legislative action should be reconsidered to ease burdens on the BZA. Signs currently requiring a special use permit should instead be considered by right with additional performance standards and required to obtain a sign permit with administrative authority.



Next Steps

Albemarle County's Zoning Ordinance update is planned as a phased project that is expected to last between three and four years. The project is integrally dependent on the on-going Comprehensive Plan update, and phases may shift based on the County's review and update of the Comprehensive Plan. The findings listed in this report and appendices will be utilized as new ordinance Articles are drafted throughout the Zoning Ordinance update project.

PHASE I: Next steps for the current phase of the ordinance update project include:

1. Finalize this Zoning Ordinance Evaluation Report based on Planning Commission comments.
2. Draft new Articles for the updated ordinance, including;
 - Article I: General Provisions
 - Article II: Administration
 - Article III: Permits and Applications
 - Article IX: Nonconforming Uses, Lots, and Structures
3. Complete a Public Engagement Plan to identify opportunities for community engagement in future phases of the ordinance update.
4. Conduct public open house to introduce community members to the project and share the diagnostic results.

FUTURE PHASES: Future phases will be initiated based on the progress of the Comprehensive Plan. Anticipated phasing includes:

- Phase 2: Community Design Standards
- Phase 3: District Standards
- Phase 4: Use Matrix and Use Standards
- Phase 5: Public Review and Adoption

Following completion of the project, the Berkley Group recommends instituting an annual Zoning Ordinance review process with the Planning Commission and Board of Supervisors to keep the County's land use tools relevant and responsive to the needs of the community.

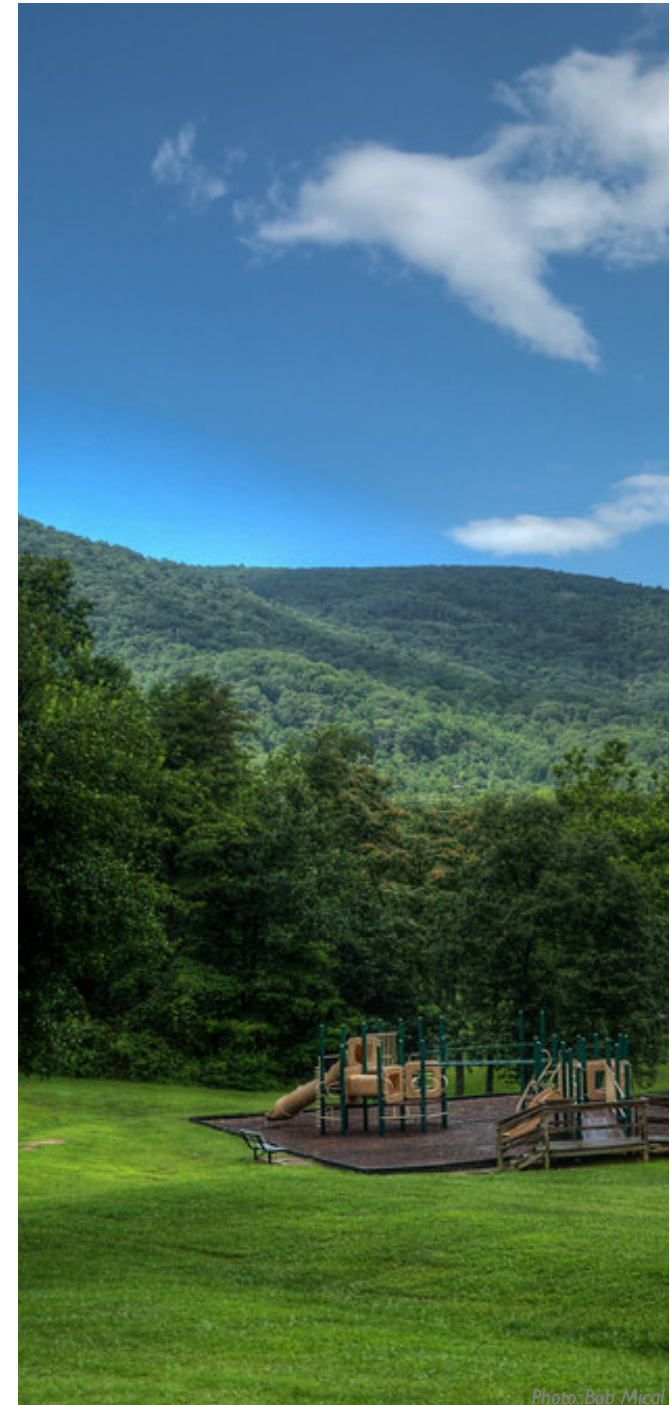


Photo: Bob Mical

Conclusions

Albemarle County's Zoning Ordinance includes thorough and robust regulations that have helped Albemarle achieve a harmonious and beautiful community. As time, technology, and values change however, so too must land use practices. The Albemarle County Zoning Ordinance should be updated to better reflect these changes.

The recommendations outlined in this report constitute a high-level analysis of Albemarle County's Zoning Ordinance. Revising the Zoning Ordinance according to these recommendations will ensure that the ordinance is legally defensible, ease administrative burdens for staff, promote economic development, encourage sustainable land use practices, and support equitability for all community members. An updated Zoning Ordinance will also ensure modernity with new uses and aid in realizing the future envisioned in Albemarle County's updated Comprehensive Plan. Keeping these land use tools up-to-date and in compliance with the Code of Virginia should be a commitment the County continues to uphold on an ongoing basis, including periodic reviews and amendments.





Photo: Tony Fischer Photography

**Zoning Ordinance
Diagnostic Matrix** 18

**Proposed Table of
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Crosswalk** 55

Engagement Summary 83

Appendix A:

Zoning Ordinance

Diagnostic Matrix

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
1.	2200	Declaration of legislative intent	Yes	1.2 1.4	<p>This section of the Code of Virginia provides the purpose of Chapter 22 of the Code of Virginia, which is subsequently the purpose for each of the tools discussed therein (Comprehensive Plan and Ordinances).</p> <p>Article I, Section 1, of the Zoning Ordinance establishes the title, authority, effective date, and purpose of the Ordinance in accordance with Chapter 22 of the Code of Virginia.</p> <p>The Zoning Ordinance complies with this section of the Code of Virginia.</p>
2.	2201	Definitions	Partial	3.1	<p>This section of the Code of Virginia provides foundational definitions for terms used throughout the Chapter 22 regulations of the Code of Virginia.</p> <p>Article I, Section 3, of the Zoning Ordinance includes an extensive list of applicable definitions relating to the Ordinance. This section of the Ordinance can be further enhanced by including all definitions included in this section of the Code of Virginia that are not found in the Ordinance. Relevant examples include: “conditional zoning”, “mixed use development”, “official map”, “planned unit development”, and “zoning”.</p>
3.	2202	Duties of state agencies; electric utilities	N/A	N/A	<p>This section of the Code of Virginia states that any department, board, bureau, commission, or other agency of the Commonwealth that proposes a project in any locality shall, upon the request of the local planning commission, furnish reasonable information requested by the local planning commission relative to the proposed plans.</p> <p>This section of the Code of Virginia does not need to be included in the Zoning Ordinance, but the Zoning Administrator and Planning Commission should be aware of this code section.</p>
4.	2203	Existing planning commissions and boards of zoning appeals; validation of plans previously adopted	Yes	34 Chapter 2 (outside of the Zoning Ordinance)	<p>This section of the Code of Virginia states that upon adoption of Chapter 22 of the Code of Virginia, already established planning commissions and boards of zoning appeals would continue to operate as if they were created under the terms of Chapter 22.</p> <p>Article IV, Section 34 of the Zoning Ordinance outlines the organization, powers, duties, and procedures of the Board of Zoning Appeals. Chapter 2, Article 4 of the County Code outlines the creation of the Planning Commission.</p> <p>The Zoning Ordinance complies with this section of the Code of Virginia.</p>

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5.	2204	Advertisement of plans, ordinances, etc.	Yes	33.10	<p>Article IV, Section 33, of the Zoning Ordinance includes the regulations for providing public notice for applications of all zoning text amendments, zoning map amendments, special use permits, and revocation of special use or special exception permits in accordance with this section of the Code of Virginia.</p> <p>While published and mailed public notices are included in the Ordinance, this section of the Ordinance only provides a reference to this section of the Code of Virginia. It is recommended that, for transparency, additional language from this section of the Code of Virginia be included to detail where the notice will be published, how long it must be published, mailer requirements, etc.</p>
6.	2205	Additional notice of planning or zoning matters	Optional, Included	33.10	<p>This section of the Code of Virginia allows a locality, in addition to specific notice required by law, to provide notice by any method on any planning or zoning matter that it deems appropriate for notice.</p> <p>Article IV, Section 33.1, provides for the additional notice of public hearings by posting of sign(s) at the subject property. This section can be further strengthened through inclusion of a reference to §15.2-2205.</p>
7.	2206	When locality may require applicant to give notice; how given	Optional, Not Included	N/A	<p>This section of the Code of Virginia allows for a locality to require the applicant of any application to the local governing body, local planning commission or Board of Zoning Appeals be responsible for all required notices.</p> <p>Article IV, Section 33, of the Zoning Ordinance details the provisions for giving public notice for zoning applications and states that the Department of Community Development will provide the notice. It is recommended to maintain this with the County.</p>
8.	2207	Public notice of juvenile residential care facilities in certain localities	Optional, N/A	N/A	<p>This section of the Code of Virginia allows a locality (which does not have an applicable zoning ordinance) to require public notice and hearing for any applicant who wishes to establish a public or private detention home, group home or other residential care facility for children in need of services or for delinquent youth.</p> <p>This section does not apply to Albemarle County, as the County has an existing Zoning Ordinance that addresses use requirements and public notices for rezoning matters.</p>

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9.	2208	Restraining violations of the chapter [Chapter 22 of the Code of Virginia]	Optional, Included	36.5	<p>This section of the Code of Virginia allows that any violation or attempted violation of this chapter [Zoning Ordinance] may be restrained, corrected, or abated by injunction or other appropriate proceeding. Further, at any time after the filing of an injunction or other appropriate proceeding, the zoning administrator or governing body may record a memorandum of lis pendens.</p> <p>Article V, Section 36.5, includes provisions related to injunctive relief and other remedies as it applies to this Section of the Code of Virginia.</p>
10.	2208.1	1Damages for unconstitutional grant or denial by locality of certain permits and approvals	Yes	Not Included	<p>The Code of Virginia §15.2-2208.1 states that any applicant aggrieved by a grant or denial of any zoning-related approval or permit – when such grant or denial was unconstitutional pursuant to either federal or state law – shall be entitled to compensatory damages.</p> <p>The Zoning Ordinance does not include language addressing damages for an unconstitutional grant or denial; however, these determinations are likely occurring in practice based on litigation.</p> <p>Recommend adding direct reference to this section of the Code of Virginia.</p>
11.	2209	Civil penalties for violations of zoning ordinance	Yes	36.3	<p>Article V, Section 36, details the provisions for violations of the Ordinance and penalties resulting in such violations. Section 36.3 provides for civil penalties that are cumulative in nature with a maximum penalty allotted at \$5,000.00 at which point a criminal penalty may be enforced.</p> <p>The Zoning Ordinance complies with this section of the Code of Virginia.</p>
12.	2209.1	Extension of approvals to address housing crisis	N/A	N/A	<p>§15.2-2209.1.1 of the Code of Virginia extends the approval of final site plans, special exceptions, special use permits, and rezoning to assist in addressing the housing crisis to July 1, 2020, and allows further extension of approval by locality.</p> <p>Extension period has passed; no change required.</p>

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13.	2209.1:1	Extension of approvals to address COVID-19 pandemic	N/A	N/A	<p>§15.2-2209.1.1 of the Code of Virginia extends the approval of final site plans, special exceptions, special use permits, and rezoning to July 1, 2023, and allows further extension of approval by locality.</p> <p>A text amendment is not necessary to comply with this section of the Code of Virginia, but the locality should be implementing this in practice.</p>
14.	2209.2	Public infrastructure maintenance bonds	N/A	N/A	This section of the Code of Virginia applies only to the City of Charlottesville.
15.	2210 – 2222.1	Local Planning Commissions	Yes	Chapter 2, Article 4 (County Code)	<p>§15.2-2210 et. seq. regulates the required establishment, authority, and purpose of local planning commissions.</p> <p>The creation, authority, and regulation of the Albemarle County Planning Commission is detailed in Chapter 2 of the County Code. While sufficient, it is recommended that a reference be included in the Ordinance to detail where this information is held.</p>
16.	2223 – 2232	The Comprehensive Plan	N/A	N/A	§15.2-2223 et. seq. regulates the requirements and provisions for comprehensive plans only. These Code of Virginia sections are not relevant to this diagnostic but are included here for transparency – and to highlight a full list of sections provided in Chapter 22 of the Code of Virginia.
17.	2233 – 2238	The Official Map	N/A	N/A	<p>§15.2-2233 et. seq. regulates the requirements for a locality's Official Map. These sections grant planning commissions the authority to request a map be made that shows streets, waterways, and public spaces. These sections apply to localities that do not have a Zoning Ordinance, thus no zoning maps.</p> <p>This section does not apply to Albemarle County and therefore inclusion is not required.</p>
18.	2239	Capital Improvement Plan	N/A	N/A	§15.2-2239 authorizes a planning commission to prepare a CIP based on a localities Comprehensive Plan. This Code of Virginia section is not relevant to this diagnostic but is included here for transparency – and to highlight a full list of sections provided in Chapter 22 of the Code of Virginia.

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19.	2240 – 2279	Land Subdivision and Development	N/A	N/A	<p>§15.2-2240 et. seq. of the Code of Virginia regulates the orderly subdivision of land. Every locality must have a subdivision ordinance and ensure the orderly subdivision of land.</p> <p>Several of these Code of Virginia sections are also relevant to the Zoning Ordinance and are assessed below. All other Code Sections of the Land Subdivision and Development section of the Code of Virginia are related to the County's Subdivision Ordinance, which is a standalone ordinance outside of the Zoning Ordinance.</p>
20.	2246	Site plans submitted in accordance with zoning ordinance	Yes	32.4.1.4	<p>Article IV, Section 32.4, of the Zoning Ordinance outlines the provisions for the submission and review of site plans. The first item the agent is required to address in their review is "Compliance with zoning."</p> <p>The Zoning Ordinance complies with this section of the Code of Virginia.</p>
21.	2258	Site plan requirements for submission for approval	Partial	32.4.1.3	<p>The Code of Virginia § 15.2-2258 requires that a site plan include the locations of drainage districts, dam break zones, graves/burial sites, and areas of joint locality control.</p> <p>Article IV, Section 32.4, of the Zoning Ordinance, details the required contents of all site plans being submitted for approval. This section includes requirements for the location of drainage facilities and dam break inundation zones but does not require the location of any grave/burial sites or areas of joint locality control.</p> <p>Recommend that this section require that all site plans include the location of grave/burial sites and areas of joint locality control for full compliance with this section of the Code of Virginia.</p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
22.	2259	Local planning commission or other agent to act on site plan	Yes	32.4.2.5 32.4.3.6	<p>The Code of Virginia § 15.2-2259 establishes a required timeline – 60 days – for the review and approval or disapproval of site plans.</p> <p>Article IV, Section 32.4, of the Zoning Ordinance establishes the requisite 60 day allotted time period for the reviewing agent to act upon the initial site plan and the final site plan in accordance with this section of the Code of Virginia. This section also lists alternative allotted timelines pending various actions such as deferrals, if state agency approval is required, or suspension of the allotted time pending various actions.</p> <p>The Zoning Ordinance complies with this section of the Code of Virginia.</p>
23.	2261	Recorded plats or final site plans to be valid for not less than five years	Yes	32.4.3.8	<p>The Code of Virginia requires final site plans be valid for five or more years and allows for planning commissions or other agents to grant extensions for approval periods.</p> <p>Article IV, Section 32.4, of the Zoning Ordinance establishes a five-year period whereby approved final site plans are valid.</p> <p>The Zoning Ordinance complies with this section of the Code of Virginia.</p>
24.	2261.1	Recorded plat or final site plans; conflicting zoning conditions	No	No Reference	<p>This section of the Code of Virginia provides that if the Board of Supervisors approves a plan that is not in accordance with the rezoning, the final site plan/plat governs. Thus, it is imperative that localities review the final site plan/plat for compliance with the rezoning in addition to the zoning ordinance.</p> <p>Recommend including a statement referencing this section of the Code of Virginia to provide clarity and transparency.</p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
25.	2270	Vacation of interests granted to a locality as a condition of site plan approval	No	No Reference	<p>This section of the Code of Virginia provides two methods that allow a locality to vacate any interest in streets, alleys, easements for public rights of passage, easements for drainage, and easements for a public utility that were granted as a condition of the approval of a site plan.</p> <p>Article IV, Section 32.7.1.3, of the Zoning Ordinance provides for the reservation of streets, alleys, walkways, waterways, or public areas and includes language for the release of reservation. Specific reference to this section of the Code of Virginia and provisions for the vacation of plats are included in Chapter 14, Subdivision of Land, of the Albemarle County Code.</p> <p>Recommend including a reference to this provision, stated in Chapter 14 of the County Code, in the Zoning Ordinance text regarding reservation of streets, to increase transparency and clarity.</p>
26.	2280	Zoning general description	Yes	1.2 1.6 Article II Article III	<p>This section of the Code of Virginia allows for localities to regulate items such as the use of structures, buildings, and land; size, height, area, etc. of buildings; and the area of land, water, and air space.</p> <p>Article I, Section 1.2, of the Zoning Ordinance provides the authority to regulate through zoning regulations and Section 1.6 addresses airspace that is subject to the zoning regulations.</p> <p>Multiple sections within Article II and Article III regulate certain requirements such as building heights, lot size, open space, stream protection, etc., in each zoning district.</p> <p>The Zoning Ordinance complies with this section of the Code of Virginia.</p> <p>Recommend including text from and a reference to this section of the Code of Virginia.</p>

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27.	2281	Zoning jurisdiction of county and incorporation	Yes	1.6	<p>This section of the Code of Virginia states that a county shall have jurisdiction over unincorporated areas and a municipality shall have jurisdiction over any incorporated areas.</p> <p>Article I, Section 1.6, of the Zoning Ordinance states the chapter applies to the unincorporated territory of Albemarle County.</p> <p>The Zoning Ordinance complies with this section of the Code of Virginia.</p>
28.	2282	Uniformity of regulations	Yes	3.3	<p>This section of the Code of Virginia states that regulations within a district must be uniform for each class or kind of building and use, but that district regulations may differ from one another.</p> <p>The Zoning Ordinance complies with this section of the Code of Virginia by a reference included in Article I, Section 3.3, and by the uniformity of regulations within the Ordinance.</p>
29.	2283	Purpose of zoning, mandatory provisions: <i>(Line items 29 – 41)</i>	– <i>(See below)</i>		<p>Article I, Section 1, details the purposes of the Ordinance with a direct reference to this section of the Code of Virginia as well as § 15.2-2200 and includes almost all of the provisions stated in this section of the Code of the Virginia.</p> <p>Recommend updating this section of the Ordinance to include the additional language in this section not included in the Ordinance; “...(xii) to provide reasonable modifications in accordance with the Americans with Disabilities Act of 1990...”.</p>
30.	i.	Light, air, convenience of access, fire, flood, impounding structure failure, crime	Yes	1.4(A)	Included as a purpose in Article I, Section 1.4, of the Zoning Ordinance with a direct reference to § 15.2-2283 of the Code of Virginia.
31.	ii.	Reduction of street congestion	Yes	1.4(B)	Included as a purpose in Article I, Section 1.4, of the Zoning Ordinance with a direct reference to § 15.2-2283 of the Code of Virginia.
32.	iii.	Convenient, attractive, harmonious community	Yes	1.4(C)	Included as a purpose in Article I, Section 1.4, of the Zoning Ordinance with a direct reference to § 15.2-2283 of the Code of Virginia.

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33.	iv.	Adequate police & fire protection, evacuation, defense, transportation, water, sewage, flood protection, schools, parks, forests, playgrounds, recreation facilities, airports	Yes	1.4(D)	Included as a purpose in Article I, Section 1.4, of the Zoning Ordinance with a direct reference to § 15.2-2283 of the Code of Virginia.
34.	v.	Protection of historic areas and working waterfront development areas	Yes	1.4(E)	Included as a purpose in Article I, Section 1.4, of the Zoning Ordinance with a direct reference to § 15.2-2283 of the Code of Virginia.
35.	vi	Protect against overcrowding, undue density, light and air obstruction, danger in transportation, public safety	Yes	1.4(F)	Included as a purpose in Article I, Section 1.4, of the Zoning Ordinance with a direct reference to § 15.2-2283 of the Code of Virginia.
36.	vii.	Economic development, employment, tax base	Yes	1.4(G)	Included as a purpose in Article I, Section 1.4, of the Zoning Ordinance with a direct reference to § 15.2-2283 of the Code of Virginia.
37.	viii.	Ag/Forestal and natural environment protection	Yes	1.4(H)	Included as a purpose in Article I, Section 1.4, of the Zoning Ordinance with a direct reference to § 15.2-2283 of the Code of Virginia.
38.	ix.	Protect airports, U.S. government and military facilities	Yes	1.4(I)	Included as a purpose in Article I, Section 1.4, of the Zoning Ordinance with a direct reference to § 15.2-2283 of the Code of Virginia.
39.	x.	Create and preserve affordable housing	Yes	1.4(J)	Included as a purpose in Article I, Section 1.4, of the Zoning Ordinance with a direct reference to § 15.2-2283 of the Code of Virginia.
40.	xi.	Provide against encroachment on military bases	Yes	1.4(K)	Included as a purpose in Article I, Section 1.4, of the Zoning Ordinance with a direct reference to § 15.2-2283 of the Code of Virginia.
41.	xii.	Reasonable modifications in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.) or state and federal fair housing laws, as applicable	No	No Reference	<p>In 2018, this provision was added and requires a locality to consider the need for reasonable modifications in accordance with the Americans with Disabilities Act or state and federal fair housing laws when preparing a zoning ordinance.</p> <p>Recommend updating Article I, Section 1.4, “Purposes”, of the Zoning Ordinance to include this additional provision of the Code of Virginia.</p>

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42.	2283.1	Sexual offender treatment services prohibition in residential area	Yes	No Reference	There are currently no by right uses or uses by special use permit that would allow for this type of use in a residential zoning district. Therefore, the Zoning Ordinance is in compliance with this section of the Code of Virginia.
43.	2284	Drawing up zoning ordinance matters - process	Yes	1.5 1.7 33.6	<p>This section of the Code of Virginia states the basis for how district boundaries should be determined.</p> <p>Article I, Section 1.5, of the Zoning Ordinance connects the Ordinance to the implementation of the Comprehensive Plan and Section 1.7 details the identification and interpretation of the zoning map. Article IV, Section 33.6, provides for the factors to be considered when adding to a zoning district and is verbatim from this section of the Code of Virginia.</p> <p>The Zoning Ordinance is in compliance with this section of the Code of Virginia.</p>
44.	2285	Ordinance and map development, adoption - process	Yes	1.7 33	<p>This section of the Code of Virginia provides the general process for the creation of, and amendments to, zoning ordinances and zoning maps.</p> <p>Article I, Section 1.7 of the Zoning Ordinance describes the establishment of the official Zoning Map.</p> <p>Article IV, Section 33 provides regulations for the procedures to amend both the Zoning Map and Zoning Ordinance.</p> <p>Recommend that the time for the Planning Commission to act on each application for a Zoning Map or Zoning Ordinance be extended from 90 days to 100 days in accordance with this section of the Code of Virginia.</p>
45.	2286 (A)	Permitted provisions in zoning ordinances. (Line items 45 – 61)	– (See below)		<p>This section of the Code of Virginia provides optional provisions. Albemarle County should consider the provisions listed below for inclusion in the update ordinance, if not already included.</p> <p>See line items #46 – #61 for further detail.</p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
46.	1.	Variances and special exceptions	Optional, Included	33.1 33.5 33.8 34.4 34.5	<p>Article IV, Section 33, of the Zoning Ordinance outlines the purpose and intent, procedures, and factors for consideration of special use permits and special exceptions. The various district sections in Article III provide for the allowable uses by special use permit in each district in the County.</p> <p>Article IV, Section 34, of the Zoning Ordinance details the procedures for applications of a variance to the Board of Zoning Appeals (BZA) in accordance with this section of the Code of Virginia.</p> <p>Special use permits for signs are considered by the BZA per Section 4.15.7, and in accordance with Section 34.5, while all other special use permits are considered for recommendation by the Planning Commission to the Board of Supervisors. Recommend changing this provision to an administrative approval to reduce confusion, approval time, and ease burdens placed on the BZA.</p>
47.	2.	Annexation or boundary adjustment provision	Optional, Not Included	No Reference	<p>This item allows a locality to temporarily apply the Zoning Ordinance to any property coming into the jurisdiction by annexation or otherwise.</p> <p>No reference to allow the County to temporarily apply the Zoning Ordinance to a property after annexation is found in the Ordinance. Recommend including this optional provision in accordance with this section of the Code of Virginia.</p>
48.	3.	Governing body special exception permits - Affordable housing special exception provisions	Optional, Included	2.4.5 Article III 33.8	<p>Provisions for bonuses contingent upon inclusion of affordable housing can be found in many district regulations throughout Article III with a reference to the regulations found in Article I, Section 2.4, of the Zoning Ordinance. Section 33.8 of the Zoning Ordinance allows conditions for a special use permit to pertain to the materials and methods of construction, but also specifies it should consider the impact on affordable housing.</p> <p>The Zoning Ordinance incorporates this section of the Code of Virginia.</p>
49.	4.	Zoning administrator authorities, provisions, processes	Optional, Included	31.1	<p>Article IV, Section 31.1, of the Zoning Ordinance includes the designation and authorities of the zoning administrator for the County.</p> <p>The Zoning Ordinance incorporates this section of the Code of Virginia.</p>

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50.	5.	Imposition of penalties - misdemeanor fines	Optional, Included	36.4	<p>This section of the Code of Virginia allows localities to impose penalties, in the form of a misdemeanor punishable by a fine of no more than \$1,000, for violations of the zoning ordinance.</p> <p>Article V, Section 36.4, of the Zoning Ordinance includes provisions for criminal penalties in the form of misdemeanor fines with very similar language to this section of the Code of Virginia.</p> <p>The Zoning Ordinance incorporates this section of the Code of Virginia.</p>
51.	6.	Collection of fees	Optional, Included	35	<p>Article IV, Section 35, of the Zoning Ordinance includes a comprehensive list of all applicable fees associated with actions pertaining to the Ordinance such as applications for zoning map amendments, special use permits, site plan approvals, etc.</p> <p>The Zoning Ordinance is in compliance with this section of the Code of Virginia.</p> <p>Recommend removing from the Zoning Ordinance and providing one ordinance of all county fees for easy review and amendment.</p>
52.	7.	Zoning ordinance amendment timelines and process	Optional, Included	33	<p>Article IV, Section 33, of the Zoning Ordinance includes procedures for zoning text and map amendments as well as factors to be considered.</p> <p>This section of the Zoning Ordinance makes specific distinction between the procedures of a County initiated map or text amendment and an owner-initiated map or text amendment and list the requirements for the initiation of each. The requirements for a zoning map amendment are divided into separate sections based on who initiated the requested amendment.</p> <p>The procedures and processes are in compliance with the section of the Code of Virginia.</p> <p>Recommend combining the procedures for zoning map and text amendments into one succinct set of procedures to help with clarity and reduce confusion.</p>

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53.	8.	Plan of development submission and approval	Optional, Included	32	Article IV, Section 32, of the Zoning Ordinance details the procedures and requirements for site plans in Albemarle County, including exceptions for development of certain uses. The Zoning Ordinance incorporates this section of the Code of Virginia.
54.	9.	Mixed use or PUD developments	Optional, Included	8 19 20 20A 25 25A 26 29	Article III of the Zoning Ordinance outlines specific requirements for several planned unit developments. The Ordinance also establishes several different types of planned development zoning districts such as the Planned Residential District, Planned Development – Shopping Centers District, and Planned Development – Mixed Commercial District. Recommend including mixed use development as a by right or special use in appropriate commercial district(s).
55.	10.	Incentive zoning administration	Optional, Included	2.4	Article I, Section 2.4, of the Zoning Ordinance outlines specific density bonus factors applicable to certain residential zoning districts. These bonuses factors are grouped into three categories of environmental, development, and affordable housing bonus standards and include provisions to achieve such bonuses as well as what districts they may be applied to. The Zoning Ordinance incorporates this section of the Code of Virginia.
56.	11.	Downzoning tax credit	Optional, Not Included	No Reference	This provision allows for the downsizing in a landowner's undeveloped property in exchange for tax credits. This can be used to defer development.
57.	12.	Environmental site assessments and review	Optional, Not Included	No Reference	The Zoning Ordinance does not incorporate this section of the Code of Virginia. Recommend including requirements for Phase I environmental site assessments at the request of the appointed Zoning Administrator, Planning Commission, or Board of Supervisors.

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58.	13.	Safety standards for solar panels and battery technologies	Optional, Not Included	No Reference	<p>The Code of Virginia allows localities to require generally accepted environmental and safety standards for solar and battery projects. The Zoning Ordinance requires a Special Use Permit for solar projects and may be incorporating these standards as conditions with the permit.</p> <p>Recommend including use standards for solar energy systems and their associated battery technologies to include safety standards in accordance with this section of the Code of Virginia.</p>
59.	14.	Environmental disclosure and remediation	Optional, Partially Included	32.5 32.5.4	<p>This requirement is typically applicable for industrial redevelopment projects.</p> <p>Article IV, Section 32.5, of the Zoning Ordinance provides for the contents and information required in development plans and, while it does not specifically require disclosure of adverse environmental conditions, it does provide for the zoning agent to require any additional information that may be deemed necessary. Additionally, Section 32.5.4 requires a groundwater assessment, but this would not be a complete environmental assessment or disclosure.</p> <p>Recommend including specific requirements for the disclosure of any contamination or other adverse environmental conditions associated with a proposed development plan.</p>
60.	15.	Single-family residential occupancy regulations	Optional, Included	3.1	<p>This section of the Code of Virginia allows for the enforcement of provisions of the zoning ordinance that regulate the number of persons permitted to occupy a single-family residential dwelling unit, provided such enforcement is in compliance with applicable local, state and federal fair housing laws.</p> <p>Article I, Section 3.1, of the Zoning Ordinance defines single-family dwellings and the term family as it applies to number of occupants for a single-family dwelling. The Ordinance incorporates this section of the Code of Virginia.</p>

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61.	16.	Zoning inspection warrants	Optional, Included	36.2	<p>It is a best practice to include this provision, as it allows for a locality to acquire a warrant if there is a suspected zoning ordinance violation. Article V, Section 36.2, of the Zoning Ordinance provides for the zoning administrator to request and execute search and inspection warrants issued by a magistrate or court in accordance with this section of the Code of Virginia. However, the reference to the Code of Virginia is incorrect.</p> <p>The Ordinance incorporates this section of the Code of Virginia. Recommend updating the text to reference § 15.2-2286 (A)(16).</p>
62.	2286 (B)	Payment of outstanding debt, taxes, fees	Optional, Included	33 34	<p>Article IV, Section 33, provides that any applicant for rezonings and special exceptions must demonstrate that any taxes or other charges constituting a lien on the subject property have been paid. Article IV, Section 34, further applies this same regulation to variances and special use permits deliberated by the BZA.</p> <p>The Ordinance incorporates this section of the Code of Virginia.</p>
63.	2286.1	Open space provision, cluster dwellings	Optional, Included	Article III	<p>This section of the Code of Virginia only applies to localities with growth rates of 10%, but not to localities with population densities greater than 2,000 per square mile.</p> <p>Article III provides for cluster development and its associated bonuses for the majority of the zoning districts in Albemarle County. The Zoning Ordinance incorporates this section of the Code of Virginia.</p>
64.	2287	Optional requirement regarding property interest of local officials	Optional, Not Included	No Reference	<p>This section of the Code of Virginia requires that members of the Planning Commission or Board of Supervisors that have a vested interest in property being considered for zoning action disclose that information.</p> <p>Albemarle County may want to consider incorporating this optional provision into the Ordinance.</p>
65.	2287.1	Disclosures in land use proceedings	N/A	N/A	This section of the Code of Virginia only applies to Loudoun County.

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66.	2288	Localities may not require special exception permits for certain agriculture activities	Yes	10.2	<p>This section of the Code of Virginia applies to localities that have production, agriculture, or silviculture activity in an area that is zoned as an agricultural district or classification and specifies that localities may not require special use permits for such uses.</p> <p>The Rural Areas District acts as Albemarle County's agricultural zoning district and allows agricultural, forestry, and fishery uses by right in this district. The Ordinance is in compliance with this section of the Code of Virginia.</p>
67.	2288.01	Localities may not require special exception permits for small biomass conversion	Yes	Not Included	<p>The Zoning Ordinance does not require a special exception for small biomass conversion. Further, the Zoning Ordinance does not mention biomass conversion which would not permit them as a use in Albemarle County.</p> <p>Recommend Albemarle County consider including small biomass conversion as a use with accompanying use standards in the Rural Areas (RA) District.</p>
68.	2288.1	Localities may not require special exception permits for permitted residential use	Yes	Article III	<p>The ordinance does not require special use permits for residential uses in residential zoning districts.</p> <p>The Ordinance is in compliance with this section of the Code of Virginia.</p>
69.	2288.2	Localities may not require special exception permits for certain temporary structures (tents)	Yes	Article III	<p>This section of the Code of Virginia restricts localities from requiring a special exception or special use permit for a temporary (less than three days) tent to be constructed on private property that will be primarily used for private or family-related events.</p> <p>The Ordinance does not require special permitting for temporary tents.</p>
70.	2288.3	Localities may not unduly regulate farm wineries	Yes	5.1.25	<p>Article II, Section 5.1, of the Zoning Ordinance provides for use regulations of farm wineries and allows for permitted operational uses, agritourism uses or sales related uses, and farm winery events. Events larger than 200 persons in attendance are required to procure a special use permit.</p> <p>The Ordinance is in compliance with this section of the Code of Virginia.</p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
71.	2288.3:1	Limited brewery license; local regulation of certain activities.	Yes	5.1.57	<p>Article II, Section 5.1, of the Zoning Ordinance provides for use regulations of farm breweries and allows for permitted operational uses, agritourism uses or sales related uses, and farm winery events. Events larger than 200 persons in attendance are required to procure a special use permit.</p> <p>The Ordinance is in compliance with this section of the Code of Virginia.</p>
72.	2288.3:2	Limited distiller's license; local regulation of certain activities.	Yes	5.1.59	<p>Article II, Section 5.1, of the Zoning Ordinance provides for use regulations of farm breweries and allows for permitted operational uses, agritourism uses or sales related uses, and farm winery events. Events larger than 200 persons in attendance are required to procure a special use permit.</p> <p>The Ordinance is in compliance with this section of the Code of Virginia.</p>
73.	2288.4	Extension of expiration dates for special use permits	N/A	N/A	This section of the Code of Virginia expired in 2011 and therefore does not apply to the Albemarle County Zoning Ordinance.
74.	2288.5	Definition and uses of cemetery	Yes	3.1 Article III	<p>The Zoning Ordinance provides for cemeteries in all zoning district of the County by right or by special use permit. Article I, Section 3.1, provides a definition for cemetery.</p> <p>The Ordinance is in compliance with this section of the Code of Virginia.</p>
75.	2288.6	Agricultural operations; local regulation of certain activities.	Yes	3.1 10.2 12.2	<p>Agriculture and silviculture are a defined use, in Article I, Section 3.1, of the Zoning Ordinance and are a use allowed by right in the RA and VR zoning districts, along with certain agricultural related activities such as agritourism and some agritourism events.</p> <p>This section of the Code of Virginia allows for the sale of agricultural or silvicultural products at any agricultural/silvicultural operation. Recommend that Albemarle County include wayside stands or farm sales as a by right use in all zoning districts where agriculture and agritourism are also a by right use.</p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
76.	2288.7	Solar facilities; local regulation	Partial	3.1 10.2.2	<p>Article II, Section 3.1, of the Zoning Ordinance defines ‘solar energy system’ and Article III, Section 10.2, provides for it as a use by special use permit in the RA zoning district. This section of the Code of Virginia states that solar energy systems that are mounted on the top of the roof of a dwelling must be allowed if they fit within the provided zoning district standards, such as building height, setbacks, etc. It appears Albemarle County has classified small solar arrays on roofs and within yards as an accessory use. However, this is not clearly outlined in the ordinance.</p> <p>Recommend creating multiple classes of solar energy facilities, such as small scale, large scale, and utility scale solar, and providing use standards for each. This change would provide clarity and substantial compliance with the Code of Virginia.</p>
77.	2288.8	Special exceptions for solar photovoltaic projects	Optional, Included	10.2.2	<p>This section of the Code of Virginia enables localities to grant special exceptions for electric energy or energy storage projects and localities may grant conditions of the dedication of real property or cash payments for construction of public improvements.</p> <p>Recommend expanding the Ordinance to include multiple classes of solar energy facilities and provide use standards and a reference to this section of the Code of Virginia. The County may also allow for energy storage projects by special permit in accordance with this section of the Code of Virginia.</p>
78.	2289	Optional requirement of disclosure of real parties in interest for special exception permits, special use permits, amendments to the zoning ordinance, or variances	Optional, Not Included	No Reference	<p>This section of the Code of Virginia allows a locality to require any application for a special exception permit, special use permit, zoning text or map amendment, or variance to disclose the equitable ownership of the land to be included in the application and all parties of interest.</p> <p>Albemarle County may want to consider including this optional provision with reference to this section of the Code of Virginia.</p>
79.	2290	Manufactured housing uniformity (by-right in Ag areas)	Yes	3.1 5.6 10.2 12.2	<p>Article I, Section 3.1, of the Zoning Ordinance defines manufactured homes, Article III, Section 10.2 provides for them as a by right use in the RA zoning district, and Article III, Section 12.2 provides for them as a by right use in the VR zoning district.</p> <p>The Zoning Ordinance is in compliance with this section of the Code of Virginia.</p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
80.	2291	Assisted living and group homes of 8 or fewer residents	Yes	3.1 5.1.3 Article III	Article I, Section 3.1, of the Zoning Ordinance defines group homes and Article III provides for group homes as a by right use in all residential zoning districts. The Zoning Ordinance is in compliance with this section of the Code of Virginia.
81.	2292	Zoning provision/definition family day home	Yes	3.1 5.1.56 Article III	Article I, Section 3.1, of the Zoning Ordinance defines family day homes with a reference to this section of the Code of Virginia and Article III provides for family day homes as a by right use in all residential zoning districts. The Zoning Ordinance is in compliance with this section of the Code of Virginia.
82.	2292.1	Provision for temporary family health care structure	Yes	3.1 5.1.62	Article I, Section 3.1, of the Zoning Ordinance defines temporary family health care structure and Article II, Section 5.1, provides additional use standards in accordance with this section of the Code of Virginia. The Zoning Ordinance is in compliance with this section of the Code of Virginia.
83.	2293	Airspace subject to zoning ordinance	Yes	1.6	Article I, Section 1.6, of the Zoning Ordinance provides for the applicability of the Ordinance to superjacent airspace. The Zoning Ordinance is in compliance with this section of the Code of Virginia.
84.	2293.1	Amateur radio antenna placement	No	No Reference	This section of the Code of Virginia states that localities that had a population density of 120 persons or more per square mile according to the 1990 United States census, shall not restrict amateur radio antenna height to less than 75 feet above ground level as permitted by the Federal Communications Commission or restrict the number of support structures. At the time of the 1990 Census, the locality had 94 person per sq. mi and therefore may restrict the height to less than 75 feet above ground level. Recommend including amateur radio towers as a use, with additional use standards, and permit them in the County in accordance with this section of the Code of Virginia.
85.	2293.2	Regulation of helicopter use	Yes	3.1 5.1.01 Article III	Article I, Section 3.1, of the Zoning Ordinance defines heliports and helistops, Article II, Section 5.1, provides additional use standards on them, and Article III provides them as a use by special use permit in the RA and industrial zoning districts. The Ordinance is in compliance with this section of the Code of Virginia.

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
86.	2294	Airport safety zoning	Yes	30.2 Article III	<p>This section of the Code of Virginia requires that any locality that hosts a licensed airport or United States government or military air facility is located, or approach slopes and other safety zones of a licensed airport shall provide for the regulation of the height of structures and natural growth. The Code of Virginia allows this to be a standalone ordinance, or through an overlay district/zone within the Zoning Ordinance.</p> <p>Albemarle County provides for the creation of an Airport Impact Area overlay district which restricts the uses in the district and regulates any penetration of building, structures, or natural growth into the airport protection area.</p> <p>The Zoning Ordinance is in compliance with this section of the Code of Virginia.</p>
87.	2295	Optional aircraft noise attenuation ordinances	Optional, Included	30.2	<p>This section of the Code of Virginia provides that a locality may enforce building regulations relating to the provision and installation of acoustical treatment measures. Additionally, this section of the Code of Virginia allows a locality to adopt a noise overlay zone that regulates noise and sounds differently than base districts.</p> <p>The Airport Impact Area overlay district provides for additional noise performance standards of buildings built in the district, with accompanying noise performance standards for use types.</p> <p>The Zoning Ordinance incorporates this section of the Code of Virginia.</p>
88.	2295.1	Optional mountain ridge construction ordinances	Optional, Not Included	No Reference	<p>This section of the Code of Virginia allows for localities, in which a protected mountain ridge (those with elevations at or above 2,000 feet and an elevation of 500 feet or more above the elevation of an adjacent valley floor) is located, to adopt an ordinance to provide for the regulation of height and location of tall buildings or structures on protected mountain ranges. This ordinance may be designed and adopted as an overlay zone superimposed on any preexisting base zone.</p> <p>Albemarle County may wish to consider adopting a mountain ridge protection overlay district to limit and restrict development size on protected mountains in accordance with this section of the Code of Virginia. This district should reflect the mountain protection areas as designated within the Comprehensive Plan.</p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
89.	2295.2	Optional authority to create zoning modification in dam break inundation zones	Optional, Included	32.5.6	<p>This section of the Code of Virginia allows a locality to, by ordinance, require modification of an application for zoning modification, a conditional use permit, or a special exception for the area of a development that is proposed within a mapped dam break inundation zone.</p> <p>Article IV, Section 32.5, of the Zoning Ordinance provides for additional zoning procedures to be carried out for any development plan located within a dam break inundation zone.</p> <p>The Zoning Ordinance incorporates this section of the Code of Virginia.</p>
90.	2296	Conditional zoning – legislative policy	Yes	33.7	<p>Article IV, Section 33.7, of the Zoning Ordinance provides the regulations for zoning map amendments and establishes the procedure, timeline, and effects of proffered amendments in accordance with, and with reference to, this section of the Code of Virginia.</p> <p>The Zoning Ordinance is in compliance with this section of the Code of Virginia.</p>
91.	2297	Conditional zoning - rezoning/map amendments	Partial	33.7	<p>Article IV, Section 33.7, of the Zoning Ordinance provides the regulations for zoning map amendments and establishes the procedure, timeline, and effects of proffered amendments.</p> <p>While conditional zoning is provided for within the Ordinance, further expansion and refinement of this section may be necessary to better comply with and include additional language found in this section of the Code of Virginia. A reference to this section of the Code of Virginia should also be added.</p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
92.	2298	Conditional zoning - high-growth amendments	Partial	33.7	<p>This section of the Code of Virginia states that any locality which has had population growth of 5% or more from the next-to-latest to latest decennial census year, based on population reported by the United States Bureau of the Census; any city adjoining such city or county; any towns located within such county; and any county contiguous with at least three such counties, and any town located in that county may provide for the voluntary proffering of reasonable conditions as outlined by the Code of Virginia.</p> <p>Albemarle County has had population growth more than 5% and does provide for proffers to be submitted alongside a rezoning application in Article IV, Section 33.7, of the Zoning Ordinance. This section of the Zoning Ordinance does not, however, provide for cash proffers to be submitted which may be included as reasonable conditions for off-site road or transportation improvement in accordance with this section of the Code of Virginia.</p> <p>Albemarle County may want to consider including provisions to allow for cash proffers to be accepted with rezoning applications.</p>
93.	2299	Conditional zoning - enforcement	Yes	31.1	<p>Article IV, Section 31.1, of the Zoning Ordinance provides for the authority and designation of the Zoning Administrator which includes duties for administering and enforcing proffers as well as keeping an index to accepted proffers.</p> <p>The Zoning Ordinance is in compliance with this section of the Code of Virginia.</p>
94.	2300	Conditional zoning - records	Partial	31.1	<p>Article IV, Section 31, of the Zoning Ordinance provides for the authority and designation of the Zoning Administrator which includes duties for administering and enforcing proffers as well as keeping an index to accepted proffers.</p> <p>Additional language should be added to this section of the Ordinance to expressly state the procedures and specifics of administering and enforcing proffers, as well as keeping a record of all cash proffers by the Zoning Administrator.</p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
95.	2301	Conditional zoning – petitions for review of decision	Partial	34.2	<p>Article IV, Section 34.2, of the Zoning Ordinance provides for the duties of the Board of Zoning appeals, which includes any appeal of a decision made by the Zoning Administrator.</p> <p>Recommend including additional text that any decisions by the zoning administrator, specific to proffer amendments, may be reviewed by the Board of Supervisors and any decisions by the Board may be petitioned for review by the circuit court. This additional language, with reference to this section of the Code of Virginia, can help with transparency for applicants.</p>
96.	2302	Conditional zoning - amendments and variations	Yes	33.7	<p>Article IV, Section 33.7, of the Zoning Ordinance includes provisions for amendments to proffers after a public hearing has begun and amendments to accepted proffers in accordance with, and with reference to, this section of the Code of Virginia.</p> <p>The Zoning Ordinance is in compliance with this section of the Code of Virginia.</p>
97.	2303	Conditional zoning - certain localities	N/A	N/A	This section of the Code of Virginia does not apply to Albemarle County; it is not next to a county that utilizes the urban county executive form of government.
98.	2303.1	Binding development agreements - certain localities	N/A	N/A	This section of the Code of Virginia only applies to the County of New Kent.
99.	2303.1:1	Cash proffer option - process	N/A	N/A	<p>This section of the Code of Virginia provides that cash proffers cannot be accepted until after final inspection and prior to certificate of occupancy.</p> <p>Cash proffers are not included in Article IV, Section 33, of the Zoning Ordinance along with the provisions for proffers on rezonings. Cash proffers are mentioned in the authorities and duties of the zoning administrator to be kept along with the index of accepted proffers.</p> <p>Albemarle County may wish to consider allowing for cash proffers and include additional text in accordance with this section of the Code of Virginia in Section 33.7.</p>
100	2303.2	Proffer cash payments and expenditures - process	N/A	N/A	<p>Cash proffers are not provided for in the Zoning Ordinance.</p> <p>Albemarle County may wish to consider allowing for cash proffers and include additional text in accordance with this section of the Code of Virginia in Section 33.7.</p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
101	2303.3	Cash proffer requested or accepted conditions - process	No	No Reference	Cash proffers are not provided for in the Zoning Ordinance. Albemarle County should consider allowing for cash proffers and include additional text in accordance with this section of the Code of Virginia in Section 33.7.
102	2303.4	Provisions applicable to certain proffers	Yes	33.7	This section of the Code of Virginia provides that no locality can require an unreasonable proffer for residential development or uses but allows onsite and offsite proffers that the applicant deems reasonable. Article IV, Section 33.7, of the Zoning Ordinance provides for proffers addressing impacts from new residential development uses in accordance with, and with reference to, this section of the Code of Virginia. The Zoning Ordinance is in compliance with this section of the Code of Virginia.
103	2304	Affordable dwelling ordinances - certain localities	Optional, Not Included	2.4.5 20C.12	This section of the Code of Virginia allows the Counties of Albemarle and Loudoun, and the Cities of Alexandria and Fairfax to institute an affordable housing dwelling unit program as an amendment to the Zoning Ordinance. Article I, Section 2.4, of the Zoning Ordinance provides for additional housing density bonuses in residential zoning districts. Article III, Section 20C.12, of the Zoning Ordinance requires affordable housing development in the RIO29 Form-Based Code Overlay District – RIO29 FBC District, for any development containing five or more residential dwelling units. While Albemarle County does include some measures for affordable dwelling units, they may wish to consider additional incentives and requirements in line with this section of the Code of Virginia.
104	2305	Affordable dwelling ordinances	N/A	N/A	This section of the Code of Virginia applies only to localities that do not qualify under § 15.2-2304 of the Code of Virginia. The provisions of § 15.2-2304 of the Code of Virginia do apply to Albemarle County, therefore this section of the Code of Virginia does not apply.

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
105	2306	Optional historical site preservation	Optional, Included	11 30 34A	<p>Article III of the Zoning Ordinance provides for two historical districts. Section 11, Monticello Historic District, and Section 30, Entrance Corridor Overlay District. Both of these districts provide additional restrictions and regulations for historical landmarks and historic structures.</p> <p>Article IV, Section 34A, of the Zoning Ordinance provides for the duties and authority of the Architectural Review Board which grants certificates of appropriateness for historic structures or development in historically significant areas.</p> <p>The regulations provided for in the Zoning Ordinance governing the Monticello Historic District (MHD) are unclear and confusing. The initial intent statement labels it a “planned historic district” but it later refers to it as a planned development district. If the MHD is a historic district with historic preservations, it needs to be more clearly stated as such.</p> <p>It is also far more common to see historic districts, governed by this section of the Code of Virginia, as overlay districts, similar to the provisions of the Entrance Corridor Overlay District. Currently the MHD is being regulated as a primary zoning district. Albemarle County should consider if a historic district overlay would better suit this area.</p>
106	2306.1	Establishment of working waterfront development areas	Optional, N/A	No Reference	Albemarle County does not contain any designated working waterfronts, nor borders any localities which do. This section of the Code of Virginia does not apply to Albemarle County.
107	2307	Protection of vested rights for non-conforming uses	Yes	6	<p>Article II, Section 6, provides regulations for all nonconforming uses, structures, and lots which includes standards that are in accordance with this section of the Code of Virginia.</p> <p>The Zoning Ordinance is in compliance with this section of the Code of Virginia.</p>
108	2307.1	Commercial fishing	N/A	N/A	This section of the Code of Virginia is for the protection of commercial fishing operations located in an owner’s waterfront residence. This section does not apply to Albemarle County and therefore inclusion is not required
109	2308	Zoning appeal board	Yes	34	<p>Article IV, Section 34, of the Zoning Ordinance provides for the establishment, powers, duties, and procedures of the Board of Zoning Appeals in accordance with, and with reference to, this section of the Code of Virginia.</p> <p>The Zoning Ordinance is in compliance with this section of the Code of Virginia.</p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
110	2308.1	Boards of zoning appeals, ex parte communications, proceedings.	Yes	34	Article IV, Section 34, of the Zoning Ordinance includes provisions for ex parte communications by parties with Board of Zoning Appeals members, in accordance with, and with reference to, this section of the Code of Virginia. The Zoning Ordinance is in compliance with this section of the Code of Virginia.
111	2309	Zoning appeal board powers and duties	Yes	34	Article IV, Section 34, of the Zoning Ordinance clearly provides for the powers and duties of the Board of Zoning Appeals in accordance with, and with reference to, this section of the Code of Virginia. The Zoning Ordinance is in compliance with this section of the Code of Virginia.
112	2310	Application for special exceptions and variance	Yes	34.4 34.5	Article IV, Section 34.4, of the Zoning Ordinance provides for the procedures of variances and special use permits with the Board of Zoning Appeals in accordance with, and with reference to, this section of the Code of Virginia. The Zoning Ordinance is in compliance with this section of the Code of Virginia.
113	2311	Optional appeals to Board of Zoning Appeals - process	Yes	34.3	Article IV, Section 34.3, of the Zoning Ordinance provides for the procedures of appeals of orders, requirements, decisions, and determinations to the Board of Zoning Appeals in accordance with, and with reference to, this section of the Code of Virginia. The Zoning Ordinance is in compliance with this section of the Code of Virginia.
114	2312	Appeals to Board procedure - process	Yes	34.3	Article IV, Section 34.3, of the Zoning Ordinance provides for the procedures of appeals of orders, requirements, decisions, and determinations to the Board of Zoning Appeals in accordance with, and with reference to, this section of the Code of Virginia. The Zoning Ordinance is in compliance with this section of the Code of Virginia.
115	2313	Prevention of construction not in accordance with ordinance - process	No	No Reference	This section of the Code of Virginia allows the court to hear issues regarding building construction that may be in violation of the Zoning Ordinance without going to the Board of Zoning Appeals. Recommend including the language to address appeal proceedings via a court of law to prevent construction of a building in violation of the Zoning Ordinance, including a reference to this section of the Code of Virginia.

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
116	2314	Writ of Certiorari to review Board's decision	Yes	34	Article IV, Section 34, of the Zoning Ordinance provides for judicial review of any action contesting a decision of the Board of Zoning Appeals in accordance with, and with reference to, this section of the Code of Virginia. The Zoning Ordinance is in compliance with this section of the Code of Virginia.
117	2315	Conflict of state and local ordinance	Yes	3.3	Article I, Section 3.3, of the Zoning Ordinance states that "Whenever provisions within this chapter conflict with any local, state or federal statute or regulation with respect to requirements or standards, the most severe or stringent requirement or standard shall prevail." The Zoning Ordinance is in compliance with this section of the Code of Virginia.
118	2316	Validation of ordinances prior to 1971	N/A	N/A	Article I, Section 1.3, of the Zoning Ordinance states that the Ordinance was adopted in 1980. Therefore, this section of the Code of Virginia does not apply.
119	2316.1	Definitions regarding transfer of development rights (TDRs)	Optional, Not Included	No Reference	This section of the Code of Virginia provides definitions for Transfer of Development Rights programs. See line item 120 for recommendation.
120	2316.2	Optional provisions for transfer of development rights	Optional, Not Included	No Reference	This section of the Code of Virginia allows localities the option to establish TDR programs, in which a locality may designate receiving areas/properties that shall receive development rights <u>only</u> from certain sending areas/properties. This is typically used by counties as a rural area preservation tool. The Zoning Ordinance does not include TDR standards or procedures. Albemarle County may wish to include provisions for a TDR program; however, sending and receiving areas must be identified in the Comprehensive Plan and typically include areas of higher density with utility provision.

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
121	2316.3	Definitions regarding small cell facilities	No	No Reference	<p>This section of the Code of Virginia establishes the definitions for wireless communications facilities and structures. The definitions included in this section of the Code of Virginia are not included in Article I of the Ordinance</p> <p>Recommend updating the Zoning Ordinance with the applicable telecommunications definitions of §15.2-2316.3 of the Code of Virginia. Albemarle County is currently under contract to update the telecommunications use in the Zoning Ordinance with this section of the Code of Virginia.</p>
122	2316.4	Permitting and review of small cell facilities	No	No Reference	<p>The Code of Virginia §15.2-2316.4 requires that localities cannot require a special use permit, special exception, or a variance for any “small cell facility” on an existing structure.</p> <p>Recommend updating the Zoning Ordinance with the applicable telecommunications permitting and review processes provided for in §15.2-2316.4 of the Code of Virginia. Albemarle County is currently under contract to update the telecommunications use in the Zoning Ordinance with this section of the Code of Virginia.</p>
123	2316.4:1	Zoning; Other wireless facilities	No	No Reference	<p>The Code of Virginia §15.2-2316.4:1 requires that localities cannot require a special use permit, special exception, or a variance for “administrative-review eligible projects.”</p> <p>Recommend updating the Zoning Ordinance with the applicable telecommunications provisions of §15.2-2316.4:1 of the Code of Virginia. Albemarle County is currently under contract to update the telecommunications use in the Zoning Ordinance with this section of the Code of Virginia.</p>
124	2316.4:2	Application reviews for small cell facilities	No	No Reference	<p>The Code of Virginia § 15.2-2316.4:2 establishes the guidelines for review applications for small cell facilities. It explicitly prevents applications from being denied for various reasons and states the type of requirements that localities cannot require in their applications.</p> <p>Recommend updating the Zoning Ordinance with the applicable telecommunications definitions of §15.2-2316.4:2 of the Code of Virginia. Albemarle County is currently under contract to update the telecommunications use in the Zoning Ordinance with this section of the Code of Virginia.</p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
125	2316.4:3	Additional provisions for zoning applications of telecommunications facilities	No	No Reference	<p>The Code of Virginia Section 15.2-2316.4:3 establishes that localities cannot require zoning approval for routine maintenance or for the replacement of existing wireless facilities.</p> <p>Recommend updating the Zoning Ordinance with the applicable telecommunications definitions of §15.2-2316.4:3 of the Code of Virginia. Albemarle County is currently under contract to update the telecommunications use in the Zoning Ordinance with this section of the Code of Virginia.</p>
126	2316.5	Moratorium on zoning applications from wireless service providers prohibited	Yes	No Reference	Albemarle County does not have a moratorium on zoning applications from wireless service providers.
127	2316.6	Siting of solar projects and energy storage projects – definitions	No	No Reference	<p>This section of the Code of Virginia provides definitions that pertain to § 15.2-2316.6 et. seq. of the Code of Virginia, siting of solar projects.</p> <p>Albemarle County provides for, and defines, this use as “solar energy system” in the Zoning Ordinance but does not include the definitions of this section of the Code of Virginia. Recommend the definitions within this section of the Code of Virginia be incorporated in the Zoning Ordinance.</p>
128	2316.7	Negotiations; siting agreement	No	No Reference	<p>This section of the Code of Virginia requires that any applicant for a solar project or an energy storage project give written notice to the locality and request a meeting, where applicant and locality shall discuss and negotiate a siting agreement. This section of the Code of Virginia also provides language for siting agreements contents.</p> <p>Recommend updating the Zoning Ordinance with the solar energy projects provisions provided in this section of the Code of Virginia.</p>
129	2316.8	Powers of host localities	No	No Reference	<p>This section of the Code of Virginia states the powers of localities regarding the siting of solar facilities. Powers include i. hiring consultants, ii. discussing a siting agreement with an applicant, iii. entering into a binding siting agreement; and presenting the agreement at a public hearing.</p> <p>Recommend updating the Zoning Ordinance with the solar energy projects provisions provided in this section of the Code of Virginia.</p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
130	2316.9	Effect of executed siting agreement; land use approval	No	No Reference	<p>This section of the Code of Virginia states that all land use approvals shall be necessary for a solar facility, a siting agreement shall deem the project in accordance with a Comprehensive Plan, but other land use approvals will be required; and that a governing body cannot deny approval solely based on the absence of a siting agreement.</p> <p>Recommend updating the Zoning Ordinance with the solar energy projects provisions provided in this section of the Code of Virginia.</p>
131	2317	Article 8 – Road Impact Fees - Applicable to 20k persons +5% growth, or 15% growth	Optional, Not Included	- (See below)	<p>This section of the Code of Virginia speaks to road impact fees but is only applicable with localities with a population of 20,000 and at least a 5% growth rate, or localities with over 15% growth rate.</p> <p>As of the 2020 U.S. Census, Albemarle County has a population of 112,395 with a growth rate of 13.6% since the 2010 U.S. Census. Albemarle County may wish to consider including road impact fees as optional provisions allowed by § 15.2-2317 - § 15.2-2327 of the Code of Virginia. See line items 132 – 141 for the additional relevant Code of Virginia sections.</p>
132	2318	Definitions	<i>Required if Road Impact Fees Ordinance Adopted,</i> Not included	No Reference	<p>This section of the Code of Virginia includes definitions for terms relating to road impact fees.</p> <p>Albemarle County has not adopted regulations that govern road impact fees.</p>
133	2319	Impact fee authority		No Reference	<p>This section of the Code of Virginia allows applicable localities to impose road impact fees on new developments to pay all or part of the cost of reasonable road improvements that benefit new development.</p> <p>Albemarle County has not adopted regulations that govern road impact fees.</p>
134	2320	Impact fee service area establishment		No Reference	<p>This section of the Code of Virginia states that applicable localities shall delineate one or more impact fee service areas within its comprehensive plan.</p> <p>Albemarle County has not adopted regulations that govern road impact fees.</p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
135	2321	Adoption of road improvement program (must be done prior to impact fee adoption)	<p><i>Required if Road Impact Fees Ordinance Adopted, Not included</i></p>	No Reference	<p>This section of the Code of Virginia requires that prior to adopting any system of impact fees, road improvements needs must be assessed – and adopt a road improvements plan after a public hearing.</p> <p>Albemarle County has not adopted regulations that govern road impact fees.</p>
136	2322	Adoption of impact fee, schedule		No Reference	<p>This section of the Code of Virginia requires that an adopted ordinance or regulation for impact fees contain a schedule of fees.</p> <p>Albemarle County has not adopted regulations that govern road impact fees.</p>
137	2323	Applicability of fees		No Reference	<p>This section of the Code of Virginia requires that an adopted ordinance or regulation for impact fees contain a schedule of fees.</p> <p>Albemarle County has not adopted regulations that govern road impact fees.</p>
138	2324	Credit against fees		No Reference	<p>This section of the Code of Virginia requires that the value of any dedication, contribution, or construction from the developer for off-site road or other transportation improvements benefiting the impact fee service area shall be treated as a credit against the impact fees project.</p> <p>Albemarle County has not adopted regulations that govern road impact fees.</p>
139	2325	Updating plan of impact fee		No Reference	<p>This section of the Code of Virginia requires that the road improvement plan, that is the basis of the impact fees, be updated every two years; with amendments to impact fee schedule, as appropriate.</p> <p>Albemarle County has not adopted regulations that govern road impact fees.</p>
140	2326	Proceeds use		No Reference	<p>This section of the Code of Virginia requires that a road improvement account be established for the impact fee service area and all funds collected through impact fees shall be deposited in an interest-bearing account. Interest earned on deposits become funds of the account. The use of the funds shall be for road improvements benefiting the impact fee service area.</p> <p>Albemarle County has not adopted regulations that govern road impact fees.</p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
141	2327	Refund of impact fee	<i>Required if Road Impact Fees Ordinance Adopted,</i> Not included	No Reference	This section of the Code of Virginia requires that a locality refund any impact fee for which construction of a project is not completed within a reasonable period of time, not to exceed fifteen years. Albemarle County has not adopted regulations that govern road impact fees.
142	2328	Applicability of Impact Fees	N/A	N/A	This Article of the Code of Virginia applies to “urban counties” – which is a county with a population of greater than 90,000, according to the United States Census of 2000. With a population of 79,236 in the year 2000, this section of the Code of Virginia does not apply to Albemarle County.
143	2329	Imposition of impact fees	N/A	N/A	This Article of the Code of Virginia applies to “urban counties” – which is a county with a population of greater than 90,000, according to the United States Census of 2000. With a population of 79,236 in the year 2000, this section of the Code of Virginia does not apply to Albemarle County.

	Additional Comments	Consultant Recommendations
1.	General Update	<p>The Zoning Ordinance is difficult to navigate and find information. It includes similar or redundant information in multiple locations and is filled with repealed sections of old regulations. A complete overhaul of the organizational structure of the Ordinance is recommended which could include utilizing Articles, Divisions, and Sections of text to improve usage and future amendment.</p> <p>We typically recommend the following ordinance structure: General ordinance provisions (effective date, severability, applicability, jurisdiction, conflict, etc.); Permits & Applications; Districts (including dimensional standards); District Use Matrix; Use Performance Standards; Community Design Standards; Nonconformities; and Definitions. This may be modified with consideration to the specific administration needs identified by County staff.</p> <p>Any major update to a Zoning Ordinance creates an opportunity for integration of any past zoning determinations to be incorporated, updated, or aligned with the new text. The County should identify any major zoning determinations or zoning practices that aren't explicitly provided for in the ordinance and integrate them.</p>
2.	Permit Terminology and Processes	<p>There are currently a multitude of permits, each with different names, with some permits doing very similar things. This can cause a lot of confusion for applicants and citizens not familiar with the ordinance. For example, there are special exceptions, waivers, and variances, all three of which modify the required performance standard on a use with approval from the Board of Supervisors.</p> <p>Albemarle County should reorganize and streamline the available permit requests. A simple permit structure could include Special Use Permits for special uses in districts, variances for rare individual deviations from regulations in the ordinance, and modifications for an administrative approval of more regular case by case deviation from regulations in the.</p> <p>In addition, required information for applications should be very clearly stated and outlined in a user-friendly manner in the Zoning Ordinance. Identifying what an applicant needs for each specific type of application will help streamline the process and ease administrative burdens and backlogs. For instance, if an applicant needs to get approvals from other specific County or State agencies, that should be included in the permit text of the ordinance.</p>

	Additional Comments	Consultant Recommendations
3.	Development Plans	<p>The provisions and process for site plans found in Article IV are expansive and difficult to understand and administer. Reducing the amount of redundant and overlapping requirements in the process can help increase clarity and ease the burden on both developers and administrators.</p> <p>The current site plan approval process allows applicants to resubmit site plans which can bog down and slow the process. This makes the process take longer than intended and increases the frequency of poor or incomplete submissions. The ordinance should clearly outline the denial of site plans based on incomplete applications, with a minimum resubmission time, to help alleviate these issues.</p> <p>The ordinance requires the submission of initial and final site plans which may be unnecessary and add to administrative burdens. However, the initial site plan approvals allow applicants to begin certain development processes, such as initial site grading. This may be an important allowance to maintain.</p> <p>Site plan regulations should clearly state what is needed with an application to achieve site plan approval. Currently, things like Erosion and Sediment Control approvals and recorded easement plats are required for applicants but not explicitly stated in the regulations.</p>
4.	Uses: Terms and Definitions	<p>Some land uses and their corresponding definitions required by the Code of Virginia are missing from the Zoning Ordinance, most notably terms from § 15.2-2293.1, referring to amateur radio antennas, from § 15.2-2316.3, referring to terms related to small cell facilities, and from § 15.2-2316.6, referring to terms related to solar energy project siting agreements.</p> <p>Broadening terms and definitions can also allow additional zoning flexibility and adaptation for administrators. There are several specific land uses that can be consolidated into broader uses to facilitate flexibility. For example, amusement centers, bowling alleys, dance halls, and pool halls are all listed as individual land uses, with similar use permissions, which can be combined into a single generic “commercial indoor recreation/amusement”. Additionally, the Ordinance provides for both an agricultural museum use as well as a museum use which can be combined to a term such as “cultural facility” with similar use permissions and standards.</p> <p>As technology and planning practices evolve over time, additional modern uses are needed for incorporation into zoning ordinances to facilitate these changes. In addition, some archaic terms may be better described with more modern land use terms. Examples of modern uses include small-scale manufacturing and mixed-use structures.</p>

	Additional Comments	Consultant Recommendations
5.	Uses: Use Matrix	<p>A current version of the Albemarle County land use matrix is being used internally by County staff with access to it through the Albemarle County website. This land use matrix is not, however, included in the Zoning Ordinance but it should be incorporated with its own dedicated section to help ease administrative burdens and make it more accessible for community members.</p> <p>A reorganization of the land use matrix is recommended to enhance readability. Grouping similar land uses into use type categories in the matrix can help facilitate this, with categories such as, residential, commercial, industrial, agricultural, temporary, and miscellaneous.</p>
6.	Uses: Performance Standards	<p>Use performance standards are included across several different sections in Article II, with the bulk being found in section 5.1. These standards should all be located under one specific section and placed within categorized subsections similar to the organization found in the use matrix, such as residential, commercial, industrial, etc. Sorting these subsections of uses into an alphabetical order will also help increase readability of the Ordinance.</p> <p>There are also several examples of current uses that require special use permits but are often regularly approved with very similar conditions applied to their permits, such as veterinarian clinics and preschools. These use permissions should be changed to by-right in appropriate districts with accompanying use standards reflecting the common conditions applied to these use permits.</p> <p>Current use standards should be examined for those that commonly receive requests for modifications, waivers, or variances to their standards, especially for those regularly approved, such as homestays and telecommunication uses. This is usually an indication that current use standards are too stringent and may need modification to better serve the community.</p>
7.	Solar Facilities	<p>Currently, solar energy facilities are provided for and defined in the Ordinance as “solar energy system”. This use should be split into multiple classes of solar energy facilities based on the size of the facility. Additional standards should apply to each individual class so that simple roof top solar panels are not being treated similarly as large, utility scale, solar energy farms. While some of this may be occurring in practice, such as allowing rooftop solar panels of a certain size by-right in residential districts, the regulations and allowances should be clearly laid out within the Zoning Ordinance for ease of use by the community.</p>
8.	Homestays	<p>Homestays are currently a by right use in all residential districts in the County, with accompanying use performance standards. These use standards are extensive and include some burdensome tasks for applicants who wish to apply for zoning clearance of a homestay. In addition, there are use performance standards for homestays that require special exception approvals by the Board of Supervisors which staff has noted as a frequent request with similar conditions and approval. The County should consider reviewing and reducing these standards, to try an ease the burden for applicants, administrators, and the Board.</p>

	Additional Comments	Consultant Recommendations
9.	Signs	<p>The Zoning Ordinance includes a robust section detailing the regulations for signs throughout the County. This section includes regulations for temporary signs and distinguishes requirements of temporary signs based on their content. The Ordinance should be updated to provide regulations for all temporary signs regardless of their content and not distinguish different rules for the use associated with the temporary sign. For instance, the regulations governing temporary event or sales signs should be identical for construction or real estate signs.</p> <p>Some signs are currently required to receive a special use permit, approved by the Board of Zoning Appeals (BZA). This legislative action should be reconsidered to ease burdens on the BZA. Signs currently requiring a special use permit should instead be considered by right with additional performance standards and required to obtain a sign permit with administrative authority.</p>
10.	Community Design Standards (streets, landscaping, lighting, etc.)	Staff has identified the community design standards as an area of needed improvement. The requirements are spread throughout the Zoning Ordinance and the Subdivision Ordinance. The landscaping and street requirements are facing many challenges, including conflict with VDOT. Street regulations and landscaping standards should be reviewed and updated to better align with current VDOT standards and best planning practices. Landscaping standards should consider native species as well as appropriate mature sizes.
11.	Parking Requirements	Albemarle County may want to consider reducing the amount of required parking spaces throughout all zoning districts and incorporate a maximum parking limit. Additional design standards for parking may be instituted on a per district basis, such as longer parking areas for residences in residential districts to reduce the amount of overhang on sidewalks or restricting commercial parking in the front of commercial developments to help achieve desired design. Current parking requirements also require that parking needs to be surfaced but does not explain to what extent. Incorporating specificity for acceptable parking surfaces will ease interpretation and administrative burdens.
12.	Critical Slopes	<p>There are currently two different sections regarding slopes in the Zoning Ordinance, Section 4.2 Critical Slopes and Section 30.7 Steep Slopes Overlay District. This can cause undue confusion for users of the ordinance.</p> <p>The County currently differentiates between critical and steep slopes based on their location in the County, being in a development area or not. This can provide unnecessary confusion for administrators addressing these regulations. Terminology should be distinct, clear, and consistently used throughout all districts in the County. In addition, these regulations could be modified and reduced to allow for minor disturbances to these managed land areas and reduce administrative burdens.</p>
13.	Fee Schedule	Fees for all zoning actions are currently found within Article IV, Section 35, of the Ordinance. Instead, this section should simply provide a reference to the overall County fee schedule which should include fees for all County government departments. This fee schedule can be reviewed annually during budget adoption and easily amended.
14.	Ordinance Review	As a best practice, the Zoning Ordinance should be reviewed annually for additional changes to provisions in the Code of Virginia as well as identifying problematic regulations and processes.
Source: https://law.lis.virginia.gov/vacode/title15.2/chapter22/		

Appendix B:

Table of Contents Crosswalk

Proposed Albemarle County Zoning Ordinance Structure

Proposed Draft Zoning Ordinance			BG Notes
Article	Division	Section / Content	
1 – General Provisions	1 – Enactment and Authority	1 – Title 2 – Authority 3 – Purpose 4 – Applicability 5 – Conformity Required 6 – Severability	
	2 – Ordinance Conflicts and Interpretation	1 – Interpretation 2 – Figures and References	
	3 – Zoning Districts Map	1 – Establishment, Maintenance, and Amendment 2 – Incorporated by Reference 3 – Interpretation of Boundaries 4 – Unauthorized Changes	
	4 – Transition of Regulations After Adoption	1 – Effective Date 2 – Violations Continue 3 – Nonconformities 4 – Complete Applications 5 – Other Approved Permits and Development Approvals 6 – Vested Right	
2 – Administration	1 – Zoning Administrator and Subdivision Agent	1 – Appointment, Powers, and Duties	
	2 – Planning Commission	1 – Appointment, Terms, and Membership 2 – Powers and Duties 3 – Meetings and Procedures	Chapter 2 of the County Code will remain. This division will reference that chapter.
	3 – Board of Zoning Appeals	1 – Appointment, Terms, and Membership 2 – Powers and Duties 3 – Meetings and Procedures	
	4 – Architectural Review Board	1 – Appointment, Terms, and Membership 2 – Powers and Duties 3 – Meetings and Procedures	
	5 – Enforcement	1 – Authority 2 – Complaints and Inspection 3 – Notice of Violation 4 – Remedies and Penalties for Violation	
	6 – Fees	1 – Fees and Charges	
	7 – Taxes and Expenses Paid	1 – Delinquent Taxes and Charges	
3 – Permits and Applications	1 – In General	1 – Preapplication Meeting 2 – Minimum Submission Standards 3 – Forms 4 – Ownership Disclosure 5 – Oath Required	
	2 – Zoning Text and Map Amendments	1 – In General 2 – Standards and Procedures 3 – Reconsiderations	
	3 – Conditional Zoning and Proffers	1 – Intent 2 – Standards and Procedures 3 – Amendments and Variations Prior to Final Decision 4 – Effect of Condition; Period of Validity 5 – Record of Conditional Zoning 6 – Reconsiderations	
	4 – Special Use Permits	1 – Intent 2 – Applicability 3 – Standards and Procedures 4 – Effect of Decision; Period of Validity 5 – Revocation 6 – Reconsiderations	

Proposed Albemarle County Zoning Ordinance Structure

Proposed Draft Zoning Ordinance			BG Notes
Article	Division	Section / Content	
3 – Permits and Applications	5 – Special Exception Permits	1 – Intent 2 – Applicability 3 – Standards and Procedures 4 – Effect of Decision; Period of Validity 5 – Revocation 6 – Reconsiderations	
	6 – Variances	1 – Intent 2 – Standards and Procedures 3 – Effect of Decision; Period of Validity 4 – Reconsiderations	
	7 – Site Plans	1 – Intent 2 – Applicability 3 – Preliminary Site Plans Specifications and Contents 4 – Final Site Plans Specifications and Contents 5 – Standards and Improvements 6 – Review 7 – Amendment of Site Plans 8 – Compliance with Approved Site Plan Required 9 – Period of Validity 10 – Waiver of Requirements	
	8 – Certificate of Appropriateness	1 – Applicability 2 – Standards and Procedures	
	9 – Zoning Permits	1 – Applicability 2 – Standards and Procedures 3 – Period of Validity	
	10 – Building Permits, Grading Permits, and Certificates of Occupancy	1 – Applicability 2 – Standards and Procedures 3 – Period of Validity	
	11 – Temporary Permits	1 – Applicability 2 – Standards and Procedures 3 – Period of Validity	
	12 – Waivers and Modifications	1 – Intent 2 – Generally 3 – Standards and Procedures	
	13 – Written Determinations	1 – Intent 2 – Standards and Procedures	
	14 – Appeals	1 – Appeals of Zoning Administrator Determinations and Decisions 2 – Appeals to BZA Procedure 3 – Appeals of BZA, PC, or BOS 4 – Construction in Violation of Ordinance without Appeal to BZA 5 – Stay of Proceedings	
	15 – Public Hearings and Notifications	1 – Public Hearing Required 2 – Advertisement and Mailings 3 – Posting Notice on Property 4 – Waiver of Notice	

Proposed Albemarle County Zoning Ordinance Structure

Proposed Draft Zoning Ordinance			BG Notes
Article	Division	Section / Content	
4 – Primary Zoning Districts	1 – Establishment and Purpose	1 – General 2 – References to District Names 3– Purpose and Intent of Primary Zoning Districts	
	2 – General District Standards	1 – Application of Standards 2 – Additional Standards 3 – Lot Standards 4 – Building Sites 5 – Critical slopes 6 – Water supplies and sewer systems 7 – Setback and Yard Standards 8 – Height Standards	
	3 – Comprehensive Plan Connection	1 – Intent 2 – Zoning Districts 3– Primary and Secondary Uses	Contingent upon the Comprehensive Plan drafting this section may change and/or be removed from the Zoning Ordinance.
	4 – Rural Districts Dimensional Standards	1– RA Rural Areas	
	5 – Residential Districts Dimensional Standards	1 – General Standards 2 – Bonus Factors and Clustering 3 – R-1 Residential 4 – R-2 Residential 5 – R-4 Residential 6 – R-6 Residential 7 – R-10 Residential 8 – R-15 Residential 9 – Village Residential	These may be supplied together under one section with one table or in groups. To be determined during drafting.
	6 – Commercial Districts Dimensional Standards	1 – C-1 Commercial District 2 – CO Commercial Office 3 – HC - Highway Commercial	These may be supplied together under one section. To be determined during drafting.
	7 – Industrial Districts Dimensional Standards	1 – LI - Light Industry 2 – HI - Heavy Industry	These may be supplied together under one section. To be determined during drafting.
	8 – Planned Development Dimensional Standards	1 – Purpose and Intent 2 – Where Permitted 3 – General 4 – PRD Planned Residential Development 5 – PUD Planned Unit Development 6 – NMD Neighborhood Model 7 – PD-MC Planned Development-Mixed Commercial 8 – PD-SC Planned Development-Shopping Centers 9 – PD-IP Planned Development-Industrial Park	These may be supplied together under one section. To be determined during drafting.
	9 – Historic and Special Districts Standards	1 – DCD Downtown Crozet District 2 – MHD Monticello Historic District	Current ordinance supplies MHD as a Planned District but suggest it be considered a historic or special district.
5 – Overlay Zoning Districts	1 – Establishment and Purpose	1 – General 2 – Purpose and Intent of Overlay Zoning Districts	
	2 – RIO29 Form-Based Code Overlay	1 – Applicability 2 – Standards	
	3 – EC Entrance Corridor	1 – Applicability 2 – Standards	
	4 – AIA Airport Impact Area	1 – Applicability 2 – Standards	
	5 – FH Flood Hazard	1 – Applicability 2 – Standards	
	6 – NR Natural Resource Extraction	1 – Applicability 2 – Standards	
	7 – SS Scenic Streams	1 – Applicability 2 – Standards	
	8 – Steep Slopes	1 – Applicability 2 – Standards	

Proposed Albemarle County Zoning Ordinance Structure

Proposed Draft Zoning Ordinance			BG Notes
Article	Division	Section / Content	
6 – Use Matrix	1 – General	1 – Organization 2 – Uses Not Provided	
	2 – Primary Districts Use Table(s)	Table of Permitted and Special Uses	
	3 – Overlay Districts Use Table(s)	Permitted, Special, and Exclusions	
7 – Use Performance Standards	1 – General	1 – Purpose and Intent 2 – Uses-Generally	
	2 – Agricultural Use Standards	Specific use standards to be identified in drafting.	
	3 – Residential Use Standards	Specific use standards to be identified in drafting.	
	4 – Public/Civic/Recreation Use Standards	Specific use standards to be identified in drafting.	
	5 – Business Use Standards	Specific use standards to be identified in drafting.	
	6 – Industrial Use Standards	Specific use standards to be identified in drafting.	
	7 – Miscellaneous Use Standards	Specific use standards to be identified in drafting.	
8 – Community Design Standards	1 – Grading	1 – General 2 – Retaining Walls 3 – Cuts and Fills 4 – Reverse Slope Benches and Surface Water Diversion	
	2 – Visibility Clearance	1 – General	
	3 – Lighting	1 – Intent 2 – Applicability 3 – Standards 4 – Compliance	
	4 – Landscaping and Screening	1 – Intent 2 – Applicability 3 – Landscape Plan Requirements 4 – General Standards 5 – Transitional Buffers 6 – Parking Lot Landscaping 7 – Screening and Enclosures 8 – Trees and Plant Standards 9 – Modifications	
	5 – Walls and Fences	1 – Intent 2 – Applicability 3 – Location 4 – Height 5 – Materials 6 – Maintenance	
	6 – Streets and Sidewalks	1 – Intent 2 – Applicability 3 – General 4 – Street Design 5 – Sidewalk Design 6 – Maintenance 7 – Modifications	
	7 – Parking	1 – Intent 2 – General 3 – Location to Use 4 – Joint/Shared Parking 5 – Reduction 6 – Parking Design Standards 7 – Schedule of Required Spaces	
	8 – Loading	1 – Intent 2 – General 3 – Off-Street Loading Design Standards 4 – Schedule of Off-Street Loading Spaces	

Proposed Albemarle County Zoning Ordinance Structure

Proposed Draft Zoning Ordinance			BG Notes
Article	Division	Section / Content	
8 – Community Design Standards	9 – Signs	1 – Intent 2 – Administration 3 – Exemptions 4 – Prohibited 5 – General 6 – Permitted Signs by District 7 – Nonconforming Signs 8 – Enforcement	
	10 – Open Space	1 – Intent 2 – Applicability 3 – Amount of Open Space Required 4 – Areas Counted as Open Space 5 – Design and Development Standards 6 – Ownership and Maintenance	This Division will include recreation area requirements. Inclusion of this division can remain an open discussion between Berkley Group and Albemarle County staff as drafting continues.
9 – Form-Based Community Design	Divisions to be determined during drafting		The organization and content of this article will be contingent upon the application and potential expansion of form-based code.
10 – Nonconforming Uses, Lots, and Structures	1 – General	1 – Intent 2 – General	
	2 – Nonconformities	1 – Nonconforming Uses 2 – Nonconforming Lots of Record 3 – Nonconforming Structures, Buildings, and Improvements 4 – Repairs and Maintenance	
11 – Definitions	1 – Word Usage	1 – Rules of construction; General 2 – Rules of construction; District regulations	
	2 – Definitions	1 – General 2 – Uses	

Albemarle County Table of Contents Crosswalk

Albemarle Table of Contents Crosswalk - Current Location to Proposed Location				
			Proposed Location/Change	BG Notes
Section	Section Number	Section Content		
Article I - General Provisions				
Section 1 - Authority, Establishment, Purposes, and Zoning Map	Sec. 1.1	Short Title	Article I, Division 1	
	Sec. 1.2	Authority	Article I, Division 1	
	Sec. 1.3	Effective date; repeal of prior zoning ordinance	Article I, Division 4	
	Sec. 1.4	Purposes	Article I, Division 1	
	Sec. 1.5	Implementation of the comprehensive plan	Article I, Division 1	
	Sec. 1.6	Territory and airspace subject to this chapter	Article I, Division 1	
	Sec. 1.7	Zoning map	Article I, Division 3	
Section 2 - Application of Regulations	Sec. 2.1	Application of district regulations	Article IV, Division 2	
	Sec. 2.1.1	Use, occupancy and construction	Article IV, Division 2	
	Sec. 2.1.2	Height, bulk, density, lot coverage, yards and open spaces	Article IV, Division 2	
	Sec. 2.1.3	Required yard, open space; area, parking or loading space for one structure, or use, not to be used to meet requirements for another	Article IV, Division 2	
	Sec. 2.1.4	Reduction of lots below minimum prohibited	Article IV, Division 2	
	Sec. 2.1.5	Reduction of yards below minimum	Article IV, Division 2	
	Sec. 2.1.6	Reduction of required off-street parking or loading space	Article VIII, Division 7 and Division 8	
	Sec. 2.1.7	Creation and use of special lots	Article IV, Division 2	
	Sec. 2.2	Cluster development	Article IV, Division 5	
	Sec. 2.2.1	Density	Article IV, Division 5	
	Sec. 2.2.2	Minimum number of lots	Article IV, Division 5	
	Sec. 2.2.3	Minimum open space required	Article IV, Division 5	
	Sec. 2.3	Repealed	Delete	
	Sec. 2.4	Intent of bonus factor provisions	Article IV, Division 5	
	Sec. 2.4.1	Application of bonus factors	Article IV, Division 5	
	Sec. 2.4.2	Procedures—Generally	Article IV, Division 5	
	Sec. 2.4.3	Environmental standards bonus factors	Article IV, Division 5	
	Sec. 2.4.4	Development standards bonus factors	Article IV, Division 5	
	Sec. 2.4.5	Affordable housing bonus factors	Article IV, Division 5	
	Sec. 2.5	Reserved	Delete	
Section 3 - Definitions	Sec. 3.1	Definitions	Article XI, Division 2	
	Sec. 3.2	Rules of construction; General	Article XI, Division 1	
	Sec. 3.3	Rules of construction; District regulations	Article I, Division 1	Items with multiple article and/or division locations means appropriate text will be broken apart and placed in separate locations.
			Article III, Division 3 Article IV, Division 2 Article VI, Division 1	

Albemarle County Table of Contents Crosswalk

Albemarle Table of Contents Crosswalk - Current Location to Proposed Location				
Section	Section Number	Section Content	Proposed Location/Change	BG Notes
Article II - Basic Regulations				
Section 4 - General Regulations	Sec. 4.0	General regulations	Article IV, Division 1	
	Sec. 4.1	Water supplies and sewer systems	Article IV, Division 2	
	Sec. 4.2	Critical Slopes	Article IV, Division 2	During drafting, critical slopes may be moved and addressed with the Steep Slope Overlay to reduce confusion.
	Sec. 4.2.1	Building site required	Article IV, Division 2	
	Sec. 4.2.2	Building site area and dimensions	Article IV, Division 2	
	Sec. 4.2.3	Location of structures and improvements	Article IV, Division 2	
	Sec. 4.2.4	Location of onsite sewage systems	Article IV, Division 2	
	Sec. 4.2.5	Modification or waiver	Article III, Division 5 and Article IV, Division 2	
	Sec. 4.2.6	Exemptions	Article IV, Division 2 and Article X, Division 2	
	Sec. 4.3	Tree Cutting	Article VIII, Division 4	
	Sec. 4.3.1	Fill areas, waste areas	Article VI, Division 2 and Article VII, Division 7	
	Sec. 4.3.2	Special lots	Article IV, Division 2	
	Sec. 4.3.3.	Grading standards	Article VIII, Division 1	
	Sec. 4.4	Visibility clearance at intersections	Article VIII, Division 2	
	Sec. 4.5	Requirements for condominiums	Article VII, Division 3	
	Sec. 4.5.1	Definitions	Article XI, Division 2	
	Sec. 4.5.2	Where permitted	Article VII, Division 3	
	Sec. 4.5.3	Compliance with ordinance	Article VII, Division 3	
	Sec. 4.6	Lot regulations	Article IV, Division 2	
	Sec. 4.6.1	Frontage and lot width measurements	Article IV, Division 2	
	Sec. 4.6.2	Lots, determination of lot front	Article IV, Division 2	
	Sec. 4.6.3	Lots and yards adjacent to streets, alleys and shared driveways	Article IV, Division 2	
	Sec. 4.6.4	Rear yards on interior lots	Article IV, Division 2	
	Sec. 4.6.5	Side yards on lots	Article IV, Division 2	
	Sec. 4.6.6	Lot access requirements	Article IV, Division 2	
	Sec. 4.6.7	Lot coverage by buildings	Article IV, Division 2	
	Sec. 4.7	Open space	Article VIII, Division 10	
	Sec. 4.8	Uses—Generally	Article VII, Division 1	
	Sec. 4.8.1	Determinations concerning unspecified uses	Article VII, Division 1	
	Sec. 4.8.2	Temporary industrialized buildings	Article VII, Division 7	
	Sec. 4.8.3	Houses displayed for advertising purposes	Article VII, Division 1	
	Sec. 4.9	Handicapped access	Article IV, Division 2	

Albemarle County Table of Contents Crosswalk

Albemarle Table of Contents Crosswalk - Current Location to Proposed Location				
Section	Section Number	Section Content	Proposed Location/Change	BG Notes
Section 4 - General Regulations	Sec. 4.10	Height of building and other structures	Article IV, Division 2	
	Sec. 4.10.1	Intent	Article IV, Division 2	
	Sec. 4.10.2	Fire and safety requirements	Article IV, Division 2	
	Sec. 4.10.2.1	Fire protection	Article IV, Division 2	
	Sec. 4.10.2.2	Aerial navigation	Article IV, Division 2	
	Sec. 4.10.3	Height limitation—Exceptions	Article IV, Division 2	
	Sec. 4.10.3.1	Exceptions—Excluded from application	Article IV, Division 2	
	Sec. 4.10.3.2	Exceptions—Limited	Article IV, Division 2	
	Sec. 4.10.3.3	Parapet walls, cornices, etc.	Article IV, Division 2	
	Sec. 4.10.3.4	Accessory buildings in residential districts	Article VII, Division 7	
	Sec. 4.11	Uses and structures permitted in required yards	Article VII, Division 2	
	Sec. 4.11.1	Covered porches, balconies, chimneys and like features	Article IV, Division 2	
	Sec. 4.11.2	Accessory structures in required yards	Article IV, Division 2	
	Sec. 4.11.3	Reduction of building separation and side yards.	Article IV, Division 2	
	Sec. 4.11.4	Structures within easements	Article IV, Division 2	
	Sec. 4.12	Parking, stacking and loading	Article VIII, Division 7 and Division 8	
	Sec. 4.12.1	Purpose and intent	Article VIII, Division 7 and Division 8	
	Sec. 4.12.2	Applicability	Article VIII, Division 7 and Division 8	
	Sec. 4.12.3	Prohibited activities in parking, stacking and loading areas	Article VIII, Division 7 and Division 8	
	Sec. 4.12.4	Parking areas	Article VIII, Division 7	
	Sec. 4.12.5	Location of parking areas	Article VIII, Division 7	
	Sec. 4.12.6	Minimum number of required parking spaces for scheduled uses	Article VIII, Division 7	
	Sec. 4.12.7	Minimum number of required parking spaces for unscheduled uses	Article VIII, Division 7	
	Sec. 4.12.8	Alternatives available to provide minimum number of parking spaces	Article VIII, Division 7	
	Sec. 4.12.9	Street and alley parking	Article VIII, Division 7	
	Sec. 4.12.10	Shared parking	Article VIII, Division 7	
	Sec. 4.12.11	Stand alone parking	Article VIII, Division 7	
	Sec. 4.12.12	Transportation demand management	Article VIII, Division 7	
	Sec. 4.12.13	Loading areas	Article VIII, Division 8	
	Sec. 4.12.14	Preexisting or approved parking, stacking and loading areas	Article VIII, Division 7 and Division 8	
	Sec. 4.12.15	Minimum design requirements and improvements for parking areas	Article VIII, Division 7	
	Sec. 4.12.16	Minimum design requirements and improvements for parking spaces within parking areas or parking bays	Article VIII, Division 7	
	Sec. 4.12.17	Minimum design requirements and improvements for vehicle access aisles	Article VIII, Division 7	
	Sec. 4.12.18	Minimum design requirements and improvements for loading areas	Article VIII, Division 8	
	Sec. 4.12.19	Minimum design requirements and improvements for dumpster pads	Article VIII, Division 4	
	Sec. 4.13	Repealed	Delete	

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Section 4 - General Regulations	Sec. 4.14	Performance standards	Article VII, Division 6	
	Sec. 4.14.1	Noise	Article VII, Division 6	
	Sec. 4.14.2	Vibration	Article VII, Division 6	
	Sec. 4.14.3	Glare and heat	Article VII, Division 6	
	Sec. 4.14.4	Electrical disturbance	Article VII, Division 6	
	Sec. 4.14.5	Certified engineer's report	Article VII, Division 6	
	Sec. 4.15	Signs	Article VIII, Division 9	
	Sec. 4.15.1	Purpose and intent	Article VIII, Division 9	
	Sec. 4.15.2	Applicability	Article VIII, Division 9	
	Sec. 4.15.4	Administration	Article VIII, Division 9	
	Sec. 4.15.5	Permanent signs for which a sign permit is required; signs exempt from obtaining a sign permit.	Article VIII, Division 9	
	Sec. 4.15.6	Temporary signs for which a temporary sign permit is required; temporary signs exempt from obtaining temporary sign permit	Article VIII, Division 9	
	Sec. 4.15.7	Signs authorized by special use permit; off-site directional signs, off-site bundle signs, signs in a public right-of-way, electric message signs	Article VIII, Division 9	
	Sec. 4.15.8	Prohibited signs and sign characteristics	Article VIII, Division 9	
	Sec. 4.15.9	Maximum sign number, area, height, and minimum sign setback in the RA, MHD, VR, R-1, R-2, R-4, R-6, R-10, R-15, and PRD zoning districts	Article VIII, Division 9	
	Sec. 4.15.10	Maximum sign number, area, and height, and minimum sign setback in the PUD, DCD, and NMD zoning districts	Article VIII, Division 9	
	Sec. 4.15.11	Maximum sign number, area, and height, and minimum sign setback in the C-1, CO, HC, PD-SC, PD-MC, HI, LI, and PD-IP zoning districts	Article VIII, Division 9	
	Sec. 4.15.12	Maximum freestanding sign size; sign face; measuring sign area	Article VIII, Division 9	
	Sec. 4.15.13	Measuring sign height	Article VIII, Division 9	
	Sec. 4.15.14	Measuring sight distance triangle; signs prohibited therein	Article VIII, Division 9	
	Sec. 4.15.15	Measuring permitted wall signage based on structure frontage	Article VIII, Division 9	
	Sec. 4.15.16	Measuring sign setback; signs prohibited therein	Article VIII, Division 9	
	Sec. 4.15.17	Sign illumination	Article VIII, Division 9	
	Sec. 4.15.18	Sign maintenance	Article VIII, Division 9	
	Sec. 4.15.19	Sign alteration, repair, or removal; when required	Article VIII, Division 9	
	Sec. 4.15.20	Nonconforming signs	Article VIII, Division 9	
	Sec. 4.16	Recreation regulations	Article VIII, Division 10	
	Sec. 4.16.1	Minimum area	Article VIII, Division 10	
	Sec. 4.16.2	Minimum facilities	Article VIII, Division 10	
	Sec. 4.16.3	Additional requirements	Article VIII, Division 10	

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Section 4 - General Regulations	Sec. 4.17	Outdoor lighting	Article VIII, Division 3	
	Sec. 4.17.1	Purpose	Article VIII, Division 3	
	Sec. 4.17.2	Applicability	Article VIII, Division 3	
	Sec. 4.17.4	Standards	Article VIII, Division 3	
	Sec. 4.17.5	Modification or waiver	Article VIII, Division 3	
	Sec. 4.17.6	Exempt outdoor lighting and related acts	Article VIII, Division 3	
	Sec. 4.18	Noise	This section should be in the noise ordinance of the County Code, Chapter 7 and Article 1.	Some of section 4.18 is repeated in Chapter 7 of the County code. This can create contradictory requirements. General noise requirements should be supplied in Chapter 7 and the use performance standards can include references to this chapter and include any additional measures.
	Sec. 4.18.01	Applicability		
	Sec. 4.18.02	Repealed		
	Sec. 4.18.03	Procedure for measuring sound		
	Sec. 4.18.04	Maximum sound levels		
	Sec. 4.18.05	Exempt sounds		
	Sec. 4.18.06	Existing sound sources		
	Sec. 4.18.07	Modification or waiver		
	Sec. 4.19	Setbacks and setbacks in residential districts	Article IV, Division 5 and Division 8	
	Sec. 4.20	Setbacks and setbacks in conventional commercial and industrial districts	Article IV, Division 5 and Division 8	
Section 5 - Supplementary Regulations	Sec. 5.1	Supplementary regulations	Article VII, Division 1	Items in section 5.1 may change based on use consolidation, deletion, and the final organization of the use matrix.
	Sec. 5.1.01	Airports; heliports; helistops	Article VII, Division 7	
	Sec. 5.1.02	Clubs, lodges	Article VII, Division 4	
	Sec. 5.1.03	Commercial stable	Article VII, Division 2	
	Sec. 5.1.04	Community center	Article VII, Division 4	
	Sec. 5.1.05	Day camp, boarding camp	Article VII, Division 4	
	Sec. 5.1.06	Child day centers	Article VII, Division 5	
	Sec. 5.1.07	Group homes	Article VII, Division 3	
	Sec. 5.1.08	Drive-in theatre	Article VII, Division 5	
	Sec. 5.1.09	Fire, ambulance, rescue squad station (volunteer)	Article VII, Division 4	
	Sec. 5.1.10	Junk yards	Article VII, Division 6	
	Sec. 5.1.11	Commercial kennel, veterinary service, office or hospital, animal hospital, animal shelter	Article VII, Division 5	
	Sec. 5.1.12	Public utility structures/uses	Article VII, Division 4	
	Sec. 5.1.13	Assisted living facility, skilled nursing facility, children's residential facility	Article VII, Division 5	
	Sec. 5.1.14	Sanitary landfill	Article VII, Division 6	
	Sec. 5.1.15	Sawmill, temporary or permanent, planing mills and wood yards	Article VII, Division 6	
	Sec. 5.1.16	Swimming, golf, tennis clubs	Article VII, Division 4	
	Sec. 5.1.18	Temporary construction headquarters and temporary construction yards	Article VII, Division 7	
	Sec. 5.1.20	Sale or storage of petroleum products including kerosene, gasoline, and heating oil	Article VII, Division 6	

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Section	Section Number	Section Content	Proposed Location/Change	BG Notes
Section 5 - Supplementary Regulations	Sec. 5.1.21	On-site dwellings and sleeping quarters accessory to commercial and industrial uses	Article VII, Division 3	
	Sec. 5.1.22	Feed and seed store	Article VII, Division 5	
	Sec. 5.1.24	Subordinate retail sales	Article VII, Division 5	
	Sec. 5.1.25	Farm wineries	Article VII, Division 2	
	Sec. 5.1.26	Hydroelectric power generation	Article VII, Division 6	
	Sec. 5.1.27	Temporary events sponsored by local nonprofit organizations	Article VII, Division 7	
	Sec. 5.1.28	Clean earth and inert waste fill activity	Article VII, Division 6	
	Sec. 5.1.29	Monastery	Article VII, Division 3	
	Sec. 5.1.30	Agricultural museum	Article VII, Division 4	
	Sec. 5.1.31	Automobile or truck repair shops, body shops, motorcycle and off-road vehicle sales and service shops, and public garages	Article VII, Division 5	
	Sec. 5.1.32	Towing and temporary storage of motor vehicles	Article VII, Division 5	
	Sec. 5.1.33	Spring water extraction and/or bottling	Article VII, Division 6	
	Sec. 5.1.34	Accessory apartment	Article VII, Division 3	
	Sec. 5.1.37	Outdoor amphitheater.	Article VII, Division 4	
	Sec. 5.1.38	Offsite parking for historic structures or sites.	Article VIII, Division 5	
	Sec. 5.1.39	Off-site employee parking for industrial use	Article VIII, Division 5	
	Sec. 5.1.40	Personal wireless service facilities; collocation, replacement, and removal of transmission equipment	Article VII, Division 7	
	Sec. 5.1.41	Parking lots and parking structures	Article VII, Division 5	
	Sec. 5.1.42	Historical centers	Article VII, Division 4	
	Sec. 5.1.43	Special events	Article VII, Division 2	
	Sec. 5.1.44	Farm worker housing	Article VII, Division 3	
	Sec. 5.1.45	Country stores	Article VII, Division 5	
	Sec. 5.1.46	Small wind turbines	Article VII, Division 7	
	Sec. 5.1.47	Farm stands and farmers' markets	Article VII, Division 2	
	Sec. 5.1.48	Homestays	Article VII, Division 3	
	Sec. 5.1.49	Dry cleaning plants	Article VII, Division 6	
	Sec. 5.1.50	Foundries	Article VII, Division 6	
	Sec. 5.1.51	Outdoor activities in industrial districts	Article VII, Division 6	
	Sec. 5.1.52	Outdoor storage in industrial districts	Article VII, Division 6	
	Sec. 5.1.53	Rendering facilities	Article VII, Division 6	
	Sec. 5.1.54	Slaughterhouses	Article VII, Division 6	
	Sec. 5.1.55	Tire recycling yards	Article VII, Division 6	
	Sec. 5.1.56	Family day homes	Article VII, Division 3	
	Sec. 5.1.57	Farm breweries	Article VII, Division 2	
	Sec. 5.1.58	Events and activities at agricultural operations	Article VII, Division 2	
	Sec. 5.1.59	Farm distilleries	Article VII, Division 2	
	Sec. 5.1.60	Drive-through windows	Article VII, Division 5	
	Sec. 5.1.61	Historic restaurants, taverns, and inns	Article VII, Division 5	
	Sec. 5.1.62	Temporary family health care structures	Article VII, Division 3	

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Section 5 - Supplementary Regulations	Sec. 5.1.63	Urban beekeeping	Article VII, Division 2	
	Sec. 5.1.64	Religious assembly use in rural areas	Article VII, Division 4	
	Sec. 5.2	Home occupations in zoning districts other than the rural areas zoning district	Article VII, Division 3	
	Sec. 5.2A	Home occupations in the rural areas zoning district	Article VII, Division 3	
	Sec. 5.3	Manufactured home parks	Article VII, Division 3	
	Sec. 5.3.1	Minimum size manufactured home parks	Article VII, Division 3	
	Sec. 5.3.2	Maximum density	Article VII, Division 3	
	Sec. 5.3.3	Minimum lot sizes	Article VII, Division 3	
	Sec. 5.3.4	Location of manufactured homes	Article VII, Division 3	
	Sec. 5.3.5	Setbacks and yards	Article VII, Division 3	
	Sec. 5.3.6	Application plan required	Article VII, Division 3	
	Sec. 5.3.7	Improvements required—Manufactured home lots	Article VII, Division 3	
	Sec. 5.3.8	Improvements required—Manufactured home park	Article VII, Division 3	
	Sec. 5.5	Manufactured home subdivisions	Delete	This use is anticipated to be removed from the use list.
	Sec. 5.5.1	Purpose	Delete	
	Sec. 5.5.2	Application	Delete	
	Sec. 5.5.3	Special use permit required	Delete	
	Sec. 5.5.4	Minimum size of manufactured home subdivision	Delete	
	Sec. 5.5.5	Subdivision control	Delete	
	Sec. 5.5.6	Application plan required	Delete	
	Sec. 5.6	Manufactured homes on individual lots	Article VII, Division 3	
	Sec. 5.7	Temporary manufactured home permit	Article III, Division 11 and Article VII, Division 7	
	Sec. 5.7.1	Expiration, renewal	Article III, Division 11 and Article VII, Division 7	
	Sec. 5.8	Temporary industrialized building	Article III, Division 11 and Article VII, Division 7	
Section 6 - Nonconformities	Sec. 6.1	Purpose	Division X, Division 1	
	Sec. 6.2	Nonconforming uses	Division X, Division 2	
	Sec. 6.3	Nonconforming structures	Division X, Division 2	
	Sec. 6.4	Nonconforming lots	Division X, Division 2	

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Article III - District Regulations				
Section 7 - Establishment of Districts	Sec. 7.1	Establishment of districts	Article IV, Division 1	
Section 8 - Planned Development Districts, Generally	Sec. 8.1	Intent	Article IV, Division 8	
	Sec. 8.2	Applicable regulations; waivers and modifications	Article III, Division 10	
	Sec. 8.3	Planned development defined	Article XI, Division 2	
	Sec. 8.4	Where permitted	Article IV, Division 8	
	Sec. 8.5	Procedures for planned development applications	Article III, Division 7	
	Sec. 8.5.5.1	Contents of site plans and subdivision plats	Article III, Division 7	
	Sec. 8.5.5.2	Review of site plans and subdivision plats	Article III, Division 7	
	Sec. 8.5.5.3	Variations from approved plans, codes, and standards of developments	Article III, Division 7	
	Sec. 8.5.5.4	Building permits and grading permits	Article III, Division 10	
	Sec. 8.5.5.5	Site plan and subdivision plat requirements when there is no application plan	Article III, Division 7	
Section 9 - Guidelines for Comprehensive Plan Service Areas	Sec. 9.1	Intent	Article IV, Division 3	Contingent upon the Comprehensive Plan drafting this section may change and/or be removed from the Zoning Ordinance.
	Sec. 9.2	Where permitted	Article IV, Division 3	
	Sec. 9.3	Relation of comprehensive plan service areas to zoning district regulations	Article IV, Division 3	
	Sec. 9.4	Establishment of secondary uses	Article IV, Division 3	
	Sec. 9.4.1	Secondary residential uses shall not occupy more than 20 percent of the total site area	Article IV, Division 3	
	Sec. 9.4.2	Other secondary uses shall comply with the following limitations: (see ordinance text)	Article IV, Division 3	
	Sec. 9.4.3	Supporting commercial uses may consist of primary uses recommended for village and neighborhood service areas to provide (see ordinance text)	Article IV, Division 3	

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Section	Section Number	Section Content	Proposed Location/Change	BG Notes
Section 10 - Rural Areas District, RA	Sec. 10.1	Intent, where permitted	Article IV, Division 1	
	Sec. 10.2	Permitted uses	Article VI, Division 2	
	Sec. 10.2.1	By right	Article VI, Division 2	
	Sec. 10.2.2	By special use permit	Article VI, Division 2	
	Sec. 10.3	Application of regulations for development by right	Article IV, Division 4	
	Sec. 10.3.1	Conventional development	Article IV, Division 4	
	Sec. 10.3.2	In addition to the foregoing, there shall be permitted by right any division of land into parcels each of which (see ordinance text)	Article IV, Division 4	
	Sec. 10.3.3	Rural preservation development	Article IV, Division 4	
	Sec. 10.3.3.2	Intent; design standards	Article IV, Division 1 and Division 4	
	Sec. 10.3.3.3	Special provisions	Article IV, Division 4	
	Sec. 10.4	Area and bulk regulations	Article IV, Division 4	
	Sec. 10.5	Special provisions for multiple single-family dwelling units	Article IV, Division 4	
	Sec. 10.5.1	Limitations on divisions permitted by right	Article IV, Division 4	
	Sec. 10.5.2	Where permitted by special use permit	Article III, Division 4 and Article IV, Division 4	This process may be shifted to Special Exception.
	Sec. 10.5.2.2	Materials to be submitted by the applicant	Article III, Division 4 and Article IV, Division 5	This process may be shifted to Special Exception.
Section 11 - Monticello Historic District - MHD	Sec. 11.1	Intent and purpose, where permitted	Article IV, Division 1	
	Sec. 11.2	Status as a planned development district	Article IV, Division 1	
	Sec. 11.3	Permitted uses	Article VI, Division 2	
	Sec. 11.3.1	By right	Article VI, Division 2	
	Sec. 11.3.2	By special use permit	Article VI, Division 2	
	Sec. 11.4	Regulation of development	Article IV, Division 9	The current ordinance categorizes the MHD as a planned district. However, suggesting this become a historic or special district.
	Sec. 11.5	Standards of operation	Article VII, Division 1	
Section 12 - Village Residential - VR	Sec. 12.1	Intent, where permitted	Article IV, Division 1	
	Sec. 12.2	Permitted uses	Article VI, Division 2	
	Sec. 12.2.1	By right	Article VI, Division 2	
	Sec. 12.2.2	By special use permit	Article VI, Division 2	
	Sec. 12.3	Area and bulk regulations	Article IV, Division 5	
	Sec. 12.4	Bonus factors	Article IV, Division 5	
	Sec. 12.4.1	Environmental standards	Article IV, Division 5	
	Sec. 12.4.2	Development standards	Article IV, Division 5	
	Sec. 12.4.3	Affordable housing	Article IV, Division 5	
	Sec. 12.4.4	Reserved	Delete	
	Sec. 12.5	Cluster development option regulations	Article IV, Division 5	

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Section	Section Number	Section Content		
Section 13 - Residential, R-1	Sec. 13.1	Intent, where permitted	Article IV, Division 1	
	Sec. 13.2	Permitted uses	Article VI, Division 2	
	Sec. 13.2.1	By right	Article VI, Division 2	
	Sec. 13.2.2	By special use permit	Article VI, Division 2	
	Sec. 13.3	Area and bulk regulations	Article IV, Division 5	
	Sec. 13.4	Bonus factors	Article IV, Division 5	
	Sec. 13.4.1	Environmental standards	Article IV, Division 5	
	Sec. 13.4.2	Development standards	Article IV, Division 5	
	Sec. 13.4.3	Affordable housing	Article IV, Division 5	
	Sec. 13.4.4	Reserved	Delete	
	Sec. 13.5	Cluster development option regulations	Article IV, Division 5	
Section 14 - Residential, R-2	Sec. 14.1	Intent, where permitted	Article IV, Division 1	
	Sec. 14.2	Permitted uses	Article VI, Division 2	
	Sec. 14.2.1	By right	Article VI, Division 2	
	Sec. 14.2.2	By special use permit	Article VI, Division 2	
	Sec. 14.3	Area and bulk regulations	Article IV, Division 5	
	Sec. 14.4	Bonus factors	Article IV, Division 5	
	Sec. 14.4.1	Environmental standards	Article IV, Division 5	
	Sec. 14.4.2	Development standards	Article IV, Division 5	
	Sec. 14.4.3	Affordable housing	Article IV, Division 5	
	Sec. 14.4.4	Reserved	Delete	
Section 15 - Residential, R-4	Sec. 15.1	Intent, where permitted	Article IV, Division 1	
	Sec. 15.2	Permitted uses	Article VI, Division 2	
	Sec. 15.2.1	By right	Article VI, Division 2	
	Sec. 15.2.2	By special use permit	Article VI, Division 2	
	Sec. 15.3	Area and bulk regulations.	Article IV, Division 5	
	Sec. 15.4	Bonus factors	Article IV, Division 5	
	Sec. 15.4.1	Environmental standards	Article IV, Division 5	
	Sec. 15.4.2	Development standards	Article IV, Division 5	
	Sec. 15.4.3	Affordable housing	Article IV, Division 5	
	Sec. 15.4.4	Reserved	Delete	
	Sec. 15.5	Cluster development option regulations	Article IV, Division 5	
	Sec. 15.6	Building separation	Article IV, Division 5	
	Sec. 15.7	Recreational area requirements	Article VIII, Division 10	

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Section	Section Number	Section Content	Proposed Location/Change	BG Notes
Section 16 - Residential, R-6	Sec. 16.1	Intent, where permitted	Article IV, Division 1	
	Sec. 16.2	Permitted uses	Article VI, Division 2	
	Sec. 16.2.1	By right	Article VI, Division 2	
	Sec. 16.2.2	By special use permit	Article VI, Division 2	
	Sec. 16.3	Area and bulk regulations	Article IV, Division 5	
	Sec. 16.4	Bonus factors	Article IV, Division 5	
	Sec. 16.4.1	Environmental standards	Article IV, Division 5	
	Sec. 16.4.2	Development standards	Article IV, Division 5	
	Sec. 16.4.3	Affordable housing	Article IV, Division 5	
	Sec. 16.4.4	Reserved	Delete	
	Sec. 16.5	Cluster development option regulations	Article IV, Division 5	
	Sec. 16.6	Building separation	Article IV, Division 5	
	Sec. 16.7	Recreational area requirements	Article VIII, Division 10	
	Sec. 16.8	Height regulations	Article IV, Division 5	
Section 17 - Residential, R-10	Sec. 17.1	Intent, where permitted	Article IV, Division 1	
	Sec. 17.2	Permitted uses	Article VI, Division 2	
	Sec. 17.2.1	By right	Article VI, Division 2	
	Sec. 17.2.2	By special use permit	Article VI, Division 2	
	Sec. 17.3	Area and bulk regulations	Article IV, Division 5	
	Sec. 17.4	Bonus factors	Article IV, Division 5	
	Sec. 17.4.1	Environmental standards	Article IV, Division 5	
	Sec. 17.4.2	Development standards	Article IV, Division 5	
	Sec. 17.4.3	Affordable housing	Article IV, Division 5	
	Sec. 17.4.4	Reserved	Delete	
	Sec. 17.5	Cluster development option regulations	Article IV, Division 5	
	Sec. 17.6	Building separation	Article IV, Division 5	
	Sec. 17.7	Recreational area requirements	Article VIII, Division 10	
	Sec. 17.8	Height regulations	Article IV, Division 5	
Section 18 - Residential, R-15	Sec. 18.1	Intent, where permitted	Article IV, Division 1	
	Sec. 18.2	Permitted uses	Article VI, Division 2	
	Sec. 18.2.1	By right	Article VI, Division 2	
	Sec. 18.2.2	By special use permit	Article VI, Division 2	
	Sec. 18.3	Area and bulk regulations	Article IV, Division 5	
	Sec. 18.4	Bonus factors	Article IV, Division 5	
	Sec. 18.4.1	Environmental standards	Article IV, Division 5	
	Sec. 18.4.2	Development standards	Article IV, Division 5	
	Sec. 18.4.3	Affordable housing	Article IV, Division 5	
	Sec. 18.4.4	Reserved	Delete	
	Sec. 18.5	Cluster development option regulations	Article IV, Division 5	
	Sec. 18.6	Building separation	Article IV, Division 5	
	Sec. 18.7	Recreational area requirements	Article VIII, Division 10	
	Sec. 18.8	Height regulations	Article IV, Division 5	

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Section 19 - Planned Residential Development - PRD	Sec. 19.1	Intent, where permitted	Article IV, Division 1	
	Sec. 19.2	Application	Article IV, Division 8	
	Sec. 19.3	Permitted uses	Article VI, Division 2	
	Sec. 19.3.1	By right	Article VI, Division 2	
	Sec. 19.3.2	By special use permit	Article VI, Division 2	
	Sec. 19.4	Residential densities	Article IV, Division 8	
	Sec. 19.5	Minimum area required for establishment of district	Article IV, Division 8	
	Sec. 19.6 & 19.6.1	Minimum area requirements for open space and recreational uses	Article VIII, Division 10	
	Sec. 19.6.2	Recreational area requirements	Article VIII, Division 10	
	Sec. 19.7	Height regulations	Article IV, Division 8	
	Sec. 19.8	Building separation	Article IV, Division 8	
	Sec. 19.9	Setbacks	Article IV, Division 8	
	Sec. 19.10	Minimum off-street parking regulations	Article VIII, Division 7	
	Sec. 19.11	Sign regulations	Article VIII, Division 9	
Section 20 - Planned Unit Development - PUD	Sec. 20.1	Intent, where permitted	Article IV, Division 1	
	Sec. 20.2	Application	Article IV, Division 8	
	Sec. 20.3	Permitted uses—Residential	Article VI, Division 2	
	Sec. 20.3.1	By right	Article VI, Division 2	
	Sec. 20.3.2	By special use permit	Article VI, Division 2	
	Sec. 20.4	Permitted uses—Commercial/service	Article VI, Division 2	
	Sec. 20.4.1	By right	Article VI, Division 2	
	Sec. 20.4.2	By special use permit	Article VI, Division 2	
	Sec. 20.5	Permitted uses—Shopping center	Article VI, Division 2	
	Sec. 20.5.1	By right	Article VI, Division 2	
	Sec. 20.5.2	By special use permit	Article VI, Division 2	
	Sec. 20.6	Permitted uses—Industrial	Article VI, Division 2	
	Sec. 20.7	Minimum area required for establishment of district	Article IV, Division 8	
	Sec. 20.7.1	Minimum area required for the establishment of a PUD district shall be 100 acres	Article IV, Division 8	
	Sec. 20.7.2	Additional area may be added to an established PUD district if (see ordinance text)	Article IV, Division 8	

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Section 20 - Planned Unit Development - PUD	Sec. 20.8	Regulations governing residential areas	Article IV, Division 8	
	Sec. 20.8.1	Residential density	Article IV, Division 8	
	Sec. 20.8.2	Minimum area requirements for open space	Article VIII, Division 10	
	Sec. 20.8.3	Recreational area requirements	Article VIII, Division 10	
	Sec. 20.8.4	Height regulations	Article IV, Division 8	
	Sec. 20.8.5	Building separation	Article IV, Division 8	
	Sec. 20.8.6	Setback and yard regulations	Article IV, Division 8	
	Sec. 20.9	Regulations governing commercial/service areas	Article IV, Division 8	
	Sec. 20.9.1	Intent, generally	Article IV, Division 8	
	Sec. 20.9.2	Comply with section 21.0	Article IV, Division 8	
	Sec. 20.9.3	Total gross floor area	Article IV, Division 8	
	Sec. 20.9.4	Percent residential complete	Article IV, Division 8	
	Sec. 20.10	Regulations governing shopping center areas	Article IV, Division 8	
	Sec. 20.10.1	Intent, generally	Article IV, Division 8	
	Sec. 20.10.2	Comply with section 25.0	Article IV, Division 8	
	Sec. 20.10.3	Percent residential complete	Article IV, Division 8	
	Sec. 20.11	Regulations governing industrial areas	Article IV, Division 8	
	Sec. 20.11.1	Intent, generally	Article IV, Division 8	
	Sec. 20.11.2	Comply with section 26.0	Article IV, Division 8	
	Sec. 20.11.3	Generally, industrial acreage shall not exceed one acre per 100 dwelling units within the PUD district	Article IV, Division 8	
	Sec. 20.11.4	Percent residential complete	Article IV, Division 8	
	Sec. 20.11.5	Sections 29.3 and 29.4 do not apply to industrial areas of PUD	Article IV, Division 8	
	Sec. 20.12	Minimum off-street parking and loading space requirements	Article IV, Division 8	
	Sec. 20.13	Sign regulations	Article IV, Division 8	
Section 20A - Neighborhood Model NMD	Sec. 20A.1	Purpose and intent	Article IV, Division 1	
	Sec. 20A.2	Status as a planned development district.	Article IV, Division 8	
	Sec. 20A.3	Repealed	Delete	
	Sec. 20A.4	Repealed	Delete	
	Sec. 20A.5	Codes of development	Article IV, Division 8	
	Sec. 20A.6	Permitted uses	Article VI, Division 2	
	Sec. 20A.7	Residential density	Article IV, Division 8	
	Sec. 20A.8	Mixture of uses	Article IV, Division 8	
	Sec. 20A.9	Green spaces, amenities, conservation areas and preservation areas	Article VIII, Division 10	
	Sec. 20A.10	Streets	Article IV, Division 8	

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Section	Section Number	Section Content		
Section 20B - Downtown Crozet District - DCD	Sec. 20B.1	Purpose and intent	Article IV, Division 1	
	Sec. 20B.2	Permitted uses	Article VI, Division 2	
	Sec. 20B.3	Area and bulk regulations	Article IV, Division 9	
	Sec. 20B.4	Parking	Article VIII, Division 7	
	Sec. 20B.5	Landscaping	Article VIII, Division 4	
	Sec. 20B.6	Outdoor lighting	Article VIII, Division 3	
	Sec. 20B.7	Sidewalks and street trees	Article IV, Division 4 and Division 6	
	Sec. 20B.8	Residential uses allowed by special use permit; additional factors when considering special use permits	Article IV, Division 9	
Section 20C - RIO29 Form-based Code Overlay District - RIO29 FBC District	Sec.20C.1	Purpose and intent	Article V, Division 1	
	Sec.20C.2	Administration and general provisions	Article V, Division 2	
	Sec.20C.3	Definitions	Article XI, Division 2	
	Sec.20C.4	Character areas	Article V, Division 2	
	Sec.20C.5	Regulating plan	Article V, Division 2	
	Sec.20C.6	Permitted uses	Article VI, Division 3	
	Sec.20C.7	Street standards	Article IX	
	Sec.20C.8	Building standards	Article IX	
	Sec.20C.9	Parking standards	Article IX	
	Sec.20C.10	Architectural design standards	Article IX	
	Sec.20C.11	Civic space standards	Article IX	
	Sec.20C.12	Affordable housing requirement	Article V, Division 2	
Section 21 - Commercial Districts, Generally	Sec. 21.1	Intent, where permitted	Article IV, Division 1	
	Sec. 21.2	Permitted accessory uses and structures	Article VI, Division 2 and Article VII, Division 7	
	Sec. 21.3	Off-street parking and loading requirements	Article VIII, Division 7	
	Sec. 21.4	Height regulations	Article IV, Division 6	
	Sec. 21.5	Sign regulations	Article VIII, Division 9	
	Sec. 21.6	Minimum landscaped area	Article VIII, Division 4	
	Sec. 21.7	Minimum yard requirements	Article IV, Division 6	
	Sec. 21.8	Utility requirements	Article IV, Division 6	
	Sec. 21.9	Building separation	Article IV, Division 6	
Section 22 - Commercial, C-1	Sec. 22.1	Intent, where permitted	Article IV, Division 1	
	Sec. 22.2	Permitted uses	Article VI, Division 2	
	Sec. 22.2.1	By right	Article VI, Division 2	
	Sec. 22.2.2	By special use permit	Article VI, Division 2	
	Sec. 22.3	Additional requirements	Delete	This is a reference to section 21. After reorganization this will not be needed.

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Section	Section Number	Section Content		
Section 23 - Commercial Office - CO	Sec. 23.1	Intent, where permitted	Article IV, Division 1	
	Sec. 23.2	Permitted uses	Article VI, Division 2	
	Sec. 23.2.1	By right	Article VI, Division 2	
	Sec. 23.2.2	By special use permit	Article VI, Division 2	
	Sec. 23.3	Additional requirements	Delete	This is a reference to section 21. After reorganization this will not be needed.
Section 24 - Highway Commercial - HC	Sec. 24.1	Intent, where permitted	Article IV, Division 1	
	Sec. 24.2	Permitted uses	Article VI, Division 2	
	Sec. 24.2.1	By right	Article VI, Division 2	
	Sec. 24.2.2	By special use permit	Article VI, Division 2	
	Sec. 24.3	Minimum frontage, shape of district	Article IV, Division 6	
	Sec. 24.4	Additional requirements	Delete	This is a reference to section 21. After reorganization this will not be needed.
Section 25 - Planned Development - Shopping Centers, PD SC	Sec. 25.1	Intent, where permitted	Article IV, Division 1	
	Sec. 25.2	Permitted uses	Article VI, Division 2	
	Sec. 25.2.1	By right	Article VI, Division 2	
	Sec. 25.2.2	By special use permit	Article VI, Division 2	
	Sec. 25.3	Area required for creation of PD-SC districts	Article IV, Division 8	
	Sec. 25.4	Site planning—External relationships	Article IV, Division 8	
	Sec. 25.4.1	Vehicular access	Article IV, Division 8	
	Sec. 25.4.2	Orientation	Article IV, Division 8	
	Sec. 25.5	Site planning—Internal relationships	Article IV, Division 8	
	Sec. 25.6	Additional requirements	Article III, Division 2	
Section 25 - Planned Development - Mixed Commercial - PD-MC	Sec. 25A.1	Intent, where permitted	Article IV, Division 1	
	Sec. 25A.2	Permitted uses	Article VI, Division 2	
	Sec. 25A.3	Area required for creation of PD-MC district	Article IV, Division 8	
	Sec. 25A.4	Site planning - External relationships	Article IV, Division 8	
	Sec. 25A.5	Site planning - Internal relationships	Article IV, Division 8	
	Sec. 25A.6	Additional requirements	Article III, Division 2	

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Section	Section Number	Section Content		
Section 26 - Industrial Districts, Generally	Sec. 26.1	Intent, where permitted	Article IV, Division 1	
	Sec. 26.2	Permitted primary and accessory uses and structures; prohibited uses and structures.	Article VI, Division 2 and Article VII, Division 7	
	Sec. 26.3	Independent office and general commercial uses; additional factors when considering special use permits	Article III, Division 4	
	Sec. 26.4	Structure height	Article IV, Division 7	
	Sec. 26.5	Minimum yards	Article IV, Division 7	
	Sec. 26.6	Site development and use.	Article IV, Division 7	
	Sec. 26.7	Repealed	Delete	
	Sec. 26.8	Repealed	Delete	
	Sec. 26.9	Repealed	Delete	
	Sec. 26.10	Repealed	Delete	
	Sec. 26.11	Repealed	Delete	
	Sec. 26.12	Repealed	Delete	
	Sec. 26.12.1	Repealed	Delete	
	Sec. 26.12.2	Repealed	Delete	
	Sec. 26.13	Repealed	Delete	
Section 27 - Light Industry, LI	Sec. 27.1	Intent, where permitted	Article IV, Division 1	
	Sec. 27.2	Permitted uses	Article VI, Division 2	
	Sec. 27.3	Structure height, yard, setback, development, use	Article IV, Division 7	
Section 28 - Heavy Industry, HI	Sec. 28.1	Intent, where permitted	Article IV, Division 1	
	Sec. 28.2	Permitted uses	Article VI, Division 2	
	Sec. 28.3	Structure height, setback, yard, development, use	Article IV, Division 7	
Section 29 - Planned Development, Industrial Park, PD-IP	Sec. 29.1	Intent, where permitted	Article IV, Division 1	
	Sec. 29.2	Permitted uses	Article VI, Division 2	
	Sec. 29.3	Structure height, setback, yard, development, use	Article IV, Division 8	
	Sec. 29.4	Number of permitted uses	Article IV, Division 8	
Section 30 - Overlay Districts	Sec. 30.1	Overlay districts, generally	Article V, Division 1	
	Sec. 30.1.1	Intent	Article V, Division 1	
	Sec. 30.1.2	Application	Article V, Division 1	
	Sec. 30.2	Airport impact area overlay district - AIA	Article V, Division 4	
	Sec. 30.2.1	Intent	Article V, Division 1	
	Sec. 30.2.2	Application	Article V, Division 4	
	Sec. 30.2.3	Repealed	Delete	
	Sec. 30.2.4	Permitted uses	Article VI, Division 3	
	Sec. 30.2.4.1	Penetration prohibited	Article V, Division 4	
	Sec. 30.2.4.2	Permitted uses within safety area	Article VI, Division 3	
	Sec. 30.2.5	Noise performance standards	Article V, Division 4	
	Sec. 30.2.5.1	Acoustical performance standards	Article V, Division 4	
	Sec. 30.2.6	Cluster development, bonus factors	Article V, Division 4	
	Sec. 30.3	Flood hazard overlay district - FH	Article V, Division 1	
	Sec. 30.3.1	Purpose and intent	Article V, Division 1	

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Section	Section Number	Section Content	Proposed Location/Change	BG Notes
Section 30 - Overlay Districts	Sec. 30.3.2	Flood insurance rate map and flood insurance study	Article V, Division 5	
	Sec. 30.3.3	Applicability	Article V, Division 5	
	Sec. 30.3.4	Disclaimer	Article V, Division 5	
	Sec. 30.3.6	Designation of floodplain administrator; powers and duties	Article V, Division 5	
	Sec. 30.3.7	Administration; interpretation of Flood Insurance Rate Map	Article V, Division 5	
	Sec. 30.3.8	Administration; interpretation of district boundaries	Article V, Division 5	
	Sec. 30.3.9	Administration; amendment to district boundaries	Article V, Division 5	
	Sec. 30.3.10	Administration; Letters of Map Change	Article V, Division 5	
	Sec. 30.3.11	Permitted and prohibited uses and structures	Article V, Division 5	
	Sec. 30.3.12	Prerequisite to development; required permits and certifications	Article V, Division 5	
	Sec. 30.3.13	Encroachment standards; determining impact on base flood elevation	Article V, Division 5	
	Sec. 30.3.14	Encroachment standards; fill in the floodway fringe	Article V, Division 5	
	Sec. 30.3.15	Construction standards	Article V, Division 5	
	Sec. 30.3.16	Nonconforming uses and structures	Article V, Division 5	
	Sec. 30.3.17	Variances	Article V, Division 5	
	Sec. 30.4	Natural resource extraction overlay district - NR	Article V, Division 1	Consideration can be given to supply this as a use instead of a district.
	Sec. 30.4.01	Intent	Article V, Division 1	
	Sec. 30.4.02	Permitted uses	Article VI, Division 3	
	Sec. 30.4.02.1	By right	Article VI, Division 3	
	Sec. 30.4.02.2	By special use permit	Article VI, Division 3	
	Sec. 30.4.03	Requirements for zoning clearance	Article III, Division 9	Suggest Zoning Permit and Zoning Clearance be provided as one term.
	Sec. 30.4.04	Minimum area requirement—Establishment of district.	Article V, Division 6	
	Sec. 30.4.05	Maximum percentage lot coverage.	Article V, Division 6	
	Sec. 30.4.06	Yard and building locations.	Article V, Division 6	
	Sec. 30.4.07	Fencing.	Article VIII, Division 5	
	Sec. 30.4.08	Lateral support.	Article V, Division 6	
	Sec. 30.4.09	Roadside landscaping, screening.	Article VIII, Division 4	
	Sec. 30.4.10	Hours of operation.	Article V, Division 6	
	Sec. 30.4.11	Public improvements, internal roads.	Article V, Division 6	
	Sec. 30.4.12	Transportation of excavated materials.	Article V, Division 6	
	Sec. 30.4.13	Collections of water.	Article V, Division 6	
	Sec. 30.4.14	Performance standards.	Article VII, Division 6	
	Sec. 30.4.15	Off-street parking.	Article VIII, Division 7	
	Sec. 30.5	Scenic streams overlay district -SS.	Article V, Division 1	
	Sec. 30.5.1	Intent.	Article V, Division 1	
	Sec. 30.5.2	Application.	Article V, Division 7	
	Sec. 30.5.3	Zoning map.	Article V, Division 1	

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Section	Section Number	Section Content		
Section 30 - Overlay Districts	Sec. 30.5.4	Repealed	Delete	
	Sec. 30.5.5	Permitted uses by right and by special use permit.	Article VI, Division 3	
	Sec. 30.5.6	Area and bulk regulations and options for bonus factors.	Article V, Division 7	
	Sec. 30.6	Entrance corridor overlay district - EC.	Article V, Division 1	
	Sec. 30.6.1	Purpose and intent	Article V, Division 1	
	Sec. 30.6.2	Boundaries of the district.	Article V, Division 3	
	Sec. 30.6.3	Permitted uses and applicable standards	Article VI, Division 3 and Article V, Division 3	
	Sec. 30.6.4	Certificates of appropriateness	Article III, Division 7	
	Sec. 30.6.5	Development exempt from requirement to obtain certificate of appropriateness	Article III, Division 7	
	Sec. 30.6.6	Submittal, review and action on application; preliminary review	Article III, Division 7	
	Sec. 30.6.7	Submittal, review and action on application; final review	Article III, Division 7	
	Sec. 30.6.8	Appeals	Article III, Division 12	
	Sec. 30.6.9	Public health or safety considered	Article III, Division 7 and Article III, Division 6	
	Sec. 30.7	Steep slopes overlay district	Article V, Division 1	
	Sec. 30.7.1	Purpose and intent	Article V, Division 1	
	Sec. 30.7.2	Applicability	Article V, Division 8	
	Sec. 30.7.3	Characteristics of steep slopes	Article V, Division 8	
	Sec. 30.7.4	Permitted uses	Article VI, Division 3	
	Sec. 30.7.5	Design standards	Article V, Division 8	
	Sec. 30.7.6	Amendment of district boundaries	Article III, Division 2	

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Section	Section Number	Section Content	Proposed Location/Change	BG Notes
Article IV- Procedure				
Section 31 - Administration and Enforcement	Sec. 31.1	Designation of zoning administrator, authority	Article II, Division 1	
	Sec. 31.2	Building permit applications	Article III, Division 10	
	Sec. 31.3	Zoning permits	Article III, Division 9	
	Sec. 31.4	Certificates of occupancy	Article III, Division 10	
	Sec. 31.5	Zoning clearance	Article III, Division 9	Suggest Zoning Permit and Zoning Clearance be provided as one term.
Section 32 - Site Plan	Sec. 32.1	General provisions	Article III, Division 7	
	Sec. 32.1.1	Purposes	Article III, Division 7	
	Sec. 32.1.2	Relation of section 32 to other laws and private contracts	Article III, Division 7	
	Sec. 32.1.3	Rules of construction	Article III, Division 7	
	Sec. 32.2	Applicability	Article III, Division 7	
	Sec. 32.3	Administration	Article III, Division 7	
	Sec. 32.3.1	Designation of agent; powers and duties	Article III, Division 7	
	Sec. 32.3.2	Establishment of site review committee; powers and duties.	Article III, Division 7	
	Sec. 32.3.3	Amendments to a site plan.	Article III, Division 7	
	Sec. 32.3.4	Fees.	Article III, Division 7	
	Sec. 32.3.5	Variations and exceptions	Article III, Division 7	
	Sec. 32.3.6	Appeals of decisions pertaining to variations and exceptions	Article III, Division 14	Will maintain site plan appeals going to PC and BOS unless otherwise directed.
	Sec. 32.4	Procedures for submittal, review and action on site plans	Article III, Division 7	
	Sec. 32.4.1	Procedure for review of preapplication plans	Article III, Division 1 and Division 7	
	Sec. 32.4.1.1	Submittal of preapplication plan and other information	Article III, Division 1 and Division 7	
	Sec. 32.4.1.2	Form and style of preapplication plan.	Article III, Division 1 and Division 7	
	Sec. 32.4.1.3	Contents of preapplication plan	Article III, Division 1 and Division 7	
	Sec. 32.4.1.4	Review of preapplication plan	Article III, Division 1 and Division 7	
	Sec. 32.4.2	Procedure for review and action on initial site plan	Article III, Division 7	
	Sec. 32.4.2.1	Submittal of initial site plan; determination of completeness	Article III, Division 7	
	Sec. 32.4.2.2	Review of initial site plan by site review committee and architectural review board	Article III, Division 7 and Division 8	
	Sec. 32.4.2.3	Revisions to address required changes	Article III, Division 7	
	Sec. 32.4.2.4	Deferral of review; when application deemed withdrawn.	Article III, Division 7	
	Sec. 32.4.2.5	Review and action on initial site plan by agent	Article III, Division 7	
	Sec. 32.4.2.6	Appeal and judicial review	Article III, Division 14	Will maintain site plan appeals going to PC and BOS unless otherwise directed.
	Sec. 32.4.2.7	Period of validity of approved initial site plan	Article III, Division 7	
	Sec. 32.4.2.8	Effect an approved initial site plan has on certificates of appropriateness and early or mass grading.	Article III, Division 7	
	Sec. 32.4.2.9	Approval of early or mass grading prior to initial site plan approval.	Article III, Division 7	
	Sec. 32.4.3	Procedure for review and action on final site plan.	Article III, Division 7	
	Sec. 32.4.3.1	Submittal of final site plan; determination of completeness	Article III, Division 7	

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Section 32 - Site Plan	Sec. 32.4.3.2	Review of final site plan by site review committee	Article III, Division 7	
	Sec. 32.4.3.3	Review of final site plan by architectural review board; certificate of appropriateness.	Article III, Division 7 and Division 8	
	Sec. 32.4.3.4	Revisions to address required changes	Article III, Division 7	
	Sec. 32.4.3.5	Deferral of review; when application deemed withdrawn	Article III, Division 8	
	Sec. 32.4.3.6	Review and action on final site plan by agent	Article III, Division 9	
	Sec. 32.4.3.7	Appeal and judicial review	Article III, Division 14	Will maintain site plan appeals going to PC and BOS unless otherwise directed.
	Sec. 32.4.3.8	Period of validity of approved final site plan	Article III, Division 7	
	Sec. 32.4.3.9	Duty to comply.	Article III, Division 7	
	Sec. 32.5	Initial site plan; form and content.	Article III, Division 7	
	Sec. 32.5.1	Form and style of an initial site plan.	Article III, Division 7	
	Sec. 32.5.2	Contents of an initial site plan.	Article III, Division 7	
	Sec. 32.5.3	Response to information during preapplication process.	Article III, Division 7	
	Sec. 32.5.4	Groundwater assessment information	Article III, Division 7	
	Sec. 32.5.5	Parking structure information.	Article III, Division 7	
	Sec. 32.5.6	Dam break inundation zones	Article III, Division 7	
	Sec. 32.5.7	Flood hazard overlay district.	Article III, Division 7	
	Sec. 32.6	Final site plan; form and content	Article III, Division 7	
	Sec. 32.6.1	Form and style of a final site plan	Article III, Division 7	
	Sec. 32.6.2	Contents of a final site plan	Article III, Division 7	
	Sec. 32.6.3	Parking structure information	Article III, Division 7	
	Sec. 32.6.4	Dam break inundation zones; engineering study and mapping information	Article III, Division 7	
	Sec. 32.7	Minimum standards for improvements	Article III, Division 7	
	Sec. 32.7.1	Dedications and reservations	Article III, Division 7	
	Sec. 32.7.1.1	Dedication of land for vehicular access, parks, schools and open space	Article III, Division 7	
	Sec. 32.7.1.2	Reservation for future dedication of land for public use.	Article III, Division 7	
	Sec. 32.7.1.3	Reservation of land for streets, alleys, walkways, waterways or public areas shown on official map	Article III, Division 7	
	Sec. 32.7.2	Vehicular access to site; streets, sidewalks and other pedestrian ways	Article III, Division 7	
	Sec. 32.7.2.1	Vehicular access to site	Article III, Division 7	
	Sec. 32.7.2.2	Streets and travelways composing the internal road network	Article III, Division 7	
	Sec. 32.7.2.3	Sidewalks and other pedestrian ways	Article III, Division 7	
	Sec. 32.7.3	Parking	Article III, Division 7	
	Sec. 32.7.4	Water and soil protection	Article III, Division 7	
	Sec. 32.7.4.1	Stormwater management; water pollution; soil characteristics	Article III, Division 7	
	Sec. 32.7.4.2	Easements for facilities for stormwater management and drainage control	Article III, Division 7	
	Sec. 32.7.5	Water, sewer and other utilities.	Article III, Division 7	
	Sec. 32.7.5.1	Water supply and sewage system.	Article III, Division 7	

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Section 32 - Site Plan	Sec. 32.7.5.2	Location of utilities above and below ground.	Article III, Division 7	
	Sec. 32.7.5.3	Dedication of public water and sewer facilities.	Article III, Division 7	
	Sec. 32.7.5.4	Easements for cable television and public service corporations.	Article III, Division 7	
	Sec. 32.7.6	Fire protection.	Article III, Division 7	
	Sec. 32.7.7	Recreation.	Article III, Division 7	
	Sec. 32.7.8	Signs and outdoor lighting.	Article III, Division 7	
	Sec. 32.7.9	Landscaping and screening.	Article VIII, Division 4	
	Sec. 32.7.9.1	Purposes	Article VIII, Division 4	
	Sec. 32.7.9.2	Submittal of landscape plan, timing	Article VIII, Division 4	
	Sec. 32.7.9.3	Review and action on landscape plan by agent.	Article VIII, Division 4	
	Sec. 32.7.9.4	Contents of a landscape plan	Article VIII, Division 4	
	Sec. 32.7.9.5	Landscaping along streets.	Article VIII, Division 4	
	Sec. 32.7.9.6	Landscaping within a parking area	Article VIII, Division 4	
	Sec. 32.7.9.7	Screening.	Article VIII, Division 4	
	Sec. 32.7.9.8	Tree canopy.	Article VIII, Division 4	
	Sec. 32.7.9.9	Installation and maintenance of required landscaping and screening.	Article VIII, Division 4	
	Sec. 32.8	Completion of on-site improvements and surety	Article III, Division 7	
	Sec. 32.8.1	Completion of on-site improvements required prior to issuance of a certificate of occupancy	Article III, Division 7	
	Sec. 32.8.2	Agreement and surety	Article III, Division 7	
	Sec. 32.8.3	Release of surety.	Article III, Division 7	
	Sec. 32.8.4	Effect of acceptance or approval of improvements.	Article III, Division 7	
	Sec. 32.8.5	Inspections; right of entry	Article III, Division 7	
	Sec. 32.8.6	Improvements completed at expense of developer; exception.	Article III, Division 7	
	Sec. 32.8.7	Dam break inundation zones; prerequisite to development.	Article III, Division 7	

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Section 33 - Zoning Text Amendments, Zoning Map Amendments, SUP and Special Exceptions	Sec. 33.1	Purpose and Intent	Article III, Division 2	
	Sec. 33.2	Uniform Requirements for County Initiation of Zoning Text Amendments and Zoning Map Amendments	Article III, Division 2	
	Sec. 33.3	Uniform Procedures for Zoning Text Amendments and County Initiated Zoning Map Amendments.	Article III, Division 2	
	Sec. 33.4	Uniform Requirements for Owner Initiation of Zoning Map Amendments and Special Use Permits	Article III, Division 2 and Division 4	
	Sec. 33.5	Uniform Procedures for Special Exceptions	Article III, Division 5	
	Sec. 33.6	Zoning Text Amendments and Zoning Map Amendments; Relevant Factors to be Considered; Effect of Approval.	Article III, Division 2	
	Sec. 33.7	Owner-Initiated Zoning Map Amendments; Authority to Accept Proffers	Article III, Division 3	
	Sec. 33.8	Special Use Permits; Relevant Factors to be Considered; Conditions;	Article III, Division 4	
	Sec. 33.9	Special Exceptions; Relevant Factors to be Considered; Conditions;	Article III, Division 12	
	Sec. 33.10	Public Notice	Article III, Division 15	
	Sec. 33.11	Deferring Action and Withdrawing an Application	Article III, Division 2 and Division 4	
Section 34 - Board of Zoning Appeals	Sec. 34.1	Board of zoning appeals; establishment and organization.	Article II, Division 3	
	Sec. 34.2	Powers and duties of the board of zoning appeals.	Article II, Division 3	
	Sec. 34.3	Appeals of orders, requirements, decisions, and determinations to the board of zoning appeals.	Article II, Division 3	
	Sec. 34.4	Variances.	Article III, Division 6	
	Sec. 34.5	Special use permits	Article VIII, Division 9	This text is related to sign permission and the process may be changed or removed from the Ordinance.
	Sec. 34.6	Interpreting a district map	Article 1, Division 3 and Article II, Division 3	
Section 34A - Architectural Review Board	Sec. 34A.1	Architectural review board; appointment and organization.	Article II, Division 4	
	Sec. 34A.2	Powers and duties of the architectural review board	Article II, Division 4	
	Sec. 34A.3	Design guidelines	Article II, Division 4	
Section 35 - Fees	Sec. 35.1	Fees	Article II, Division 6	
	Sec. 35.2	Calculation of fees in special circumstances	Article II, Division 6	
	Sec. 35.3	Mode and timing for paying fees	Article II, Division 6	
	Sec. 35.4	Fee refunds	Article II, Division 6	
	Sec. 35.5	Pre-existing use fee waiver	Article II, Division 6	
Article V - Violations and Penalty				
Section 36 - Violations	Sec. 36.1	Violations	Article II, Division 5	
	Sec. 36.2	Enforcement	Article II, Division 5	
	Sec. 36.3	Civil penalties	Article II, Division 5	
	Sec. 36.4	Criminal penalties	Article II, Division 5	
	Sec. 36.5	Injunctive relief and other remedies	Article II, Division 5	

Appendix C:

Engagement Summary



Phase I Engagement Summary

As part of the Albemarle County Zoning Ordinance update process, each phase of the project will include various types of engagement to collect input to inform drafting. The specific engagement activities are agreed upon and conducted collaboratively with County staff and the Berkley Group. As phase I of the update addresses administrative and application provisions, engagement activities focused on collecting feedback from those with direct experience using and applying the ordinances. Specifically, activities consisted of interviews with County staff and Planning Commissioners, a tour of the County, and a focus group listening session with the development community.

Two separate interview sessions were conducted with Office of Community Development staff on September 29, 2022. These interviews included three members of the zoning staff and three members of the planning staff. The discussion during these interviews concentrated on the strengths and weaknesses of the current Zoning Ordinance, with an emphasis on the permitting and site plan processes.

Interviews with Albemarle Planning Commission members were conducted on October 24 and 27, 2022. These interviews were conducted across three separate sessions in a two-on-two format, with two commissioners and two Berkley Group staff members. Planning Commissioners were supplied with questions prior to the interviews to help guide discussion on the current ordinance's strengths and weaknesses with a specific focus on planning and zoning applications.

The Charlottesville Area Development Roundtable (CADRe) were selected as a focus group to receive input regarding the current Zoning Ordinance for this phase of the project. A listening session was conducted on November 10, 2022, during one of their regular meetings. Questions and information regarding the project were supplied to the group prior to the listening session and discussion focused on the general strengths and weaknesses of the current Zoning Ordinance, with a specific focus on the planning and zoning application process from the point of view of applicants.

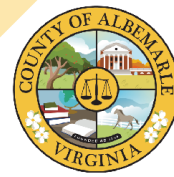
Albemarle County staff also gave a tour of the County to Berkley Group staff to help familiarize them with the County and highlight specific development areas, design standards, and uses in the community. Three of the major focus areas visited during this tour was the Broadway Street industrial area, the Brookhill Neighborhood Model development, and the Foothills Crossing subdivision in the Crozet area.

The following are key highlights from phase I engagement. These highlights reflect the common trends heard across multiple groups during the engagement process. Complete summaries of the interviews and listening session are included following the key highlights.



Key Highlights

- The current ordinance is overly complex and difficult to navigate, making it overly burdensome to administer and unapproachable for community members.
- All permit approvals are lengthy processes. Depending on the type of permit, this may be related to staff workload, multiple department approvals, and Planning Commission and Board docket load.
- The planning and zoning application process allows concurrent applications, such as special uses and modifications, but requests are treated separately and require multiple staff reports. This can be cumbersome to track and complex to administer.
- The required submission information for planning and zoning applications is difficult to find. This leads to applications missing information and delays approval. This information should be available upfront in an easy to find and read document.
- Inter-departmental coordination for planning and zoning approvals should be increased to allow for a more streamlined application process that reduce the number of delays and obstacles for applicants.
- Site plan approval is a multi-step process with unclear and burdensome requirements. While the initial site plan process is regarded as a positive to allow early site grading, it currently requires too much information and should have reduced requirements.
- Site plan submissions require multiple documents and approvals across several departments. Submission lists are unclear resulting in common missed requirements.
- Several land uses currently require a special use permit that should instead be allowed by-right with additional performance standards.
- There are some land uses, such as homestays, with very complex and burdensome performance standards that often require modifications/waivers. These standards should be reevaluated and streamlined to reduce administrative burdens.
- Several district standards, such as infill setbacks and step-backs, should be reevaluated or removed from the ordinance as they are often overly complex or burdensome and applicants frequently request waivers.
- Density and building height should be updated for a growing community that has both urban and rural land.
- The Neighborhood Model District should be reevaluated following the completion of the Comprehensive Plan update process as it is overly difficult to administer and long-term use as its own zoning district may continue to add administrative burdens.
- Community design standards, such as parking and landscaping, need to be updated to address current issues and modern standards, such as including parking maximum limits.



Albemarle County Staff Interviews Summary

Group I – Zoning Staff

Rural Areas (RA) District

- The rural areas district is currently very protected, which is a positive, but it has made doing anything there very difficult for applicants.
- Processes could be streamlined. Anything that is not a dwelling or farm related structure has a lengthy process, even if the use is compatible in the RA district.
- Uses that are permitted in similar districts of other municipalities are not permitted in RA, but property owners frequently request such uses. Example: weddings at agricultural operations in addition to wineries, retreat centers, inns not qualifying as homestays.
- The division rights for the district are hard to administer due to the way tax map numbers were assigned (multiple lots of record may have the same tax map number). These are processed as determinations and rarely does anyone seek a special use permit for additional division rights.

Neighborhood Model Code of Development

- The code of development is difficult to administer, due to each neighborhood having its own separate code of development.
- Any zoning approval must be weighed against the neighborhood model in these locations.
- The traditional neighborhood-scale model itself is seen as a good thing but having it as its own district is what makes it so difficult to administer.

Land Uses

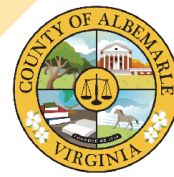
- There are currently a lot of specialized “one off” uses that were added for one specific instance or applicant. Many of these applicants did not follow through, and these uses are not being utilized in the County.
- Veterinary Offices and child daycares were identified as uses that are regularly approved, as special uses, with similar conditions applied to each permit and could be moved to a by-right use.

Homestays

- The homestay regulations are very confusing and complex, which has made them especially difficult to administer and permit.
- There are a lot of supplemental regulations for homestays that require special exception approvals by the Board of Supervisors. The standards should be updated to reduce the number of special exceptions and/or provide specific criteria for administrative approval.

Zoning Approvals

- The special use permit process is cumbersome. These permits have to request being added to the Board of Supervisors agenda at least three months in advance, and it makes



for about a six-to-nine-month gap between getting a recommendation from the Planning Commission and being seen by the Board.

- Applicants for zoning approvals often are missing vital information about the process, such as needing VDOT or health department approval in advance, as this information is not always clearly listed somewhere for the applicant to find or in the ordinance.
- There is currently a lot of terms being used for zoning approvals in the ordinance, such as special use permit, special exceptions, waivers, modifications, or variations. Each has a different meaning and can be challenging from an outside perspective.
 - Special use permit = Required legislative approval from the Board of Supervisors to conduct a non-by-right land use.
 - Special exception = Required legislative approval from the Board of Supervisors to modify performance standards of a by-right land use.
 - Variations and modifications are also interpreted to mean special exception and can be an administrative change to a use when certain criterion are met.
 - Waiver and Variance has been interpreted to mean a special exception.
- Clearances are for uses. Zoning permits are for things that do not need a building permit, but need to meet setbacks and confirmation that they do not need a building permit (i.e. farm buildings and sheds). Internal processing of these permits is smooth.
- Many people are not aware that they need to get zoning approvals for buildings that do not require building permits, such as farm exempt structures.
- An online permitting system has been developed but this process may change if the new software includes permitting processes.

Temporary Permits

- There needs to be a clear process for temporary permits, especially temporary events and uses. Currently, temporary events are only explicitly permitted in the Rural Area if they are sponsored by a local non-profit, and they require a special use permit. In other districts temporary events may only be permitted as accessory to a primary use.
- The temporary uses need to have clear standards to apply to permits and allow administrators to deny the permit if standards are not met.
- Currently, there are several temporary uses that are not listed in the ordinance but have been determined as allowed administratively.

Board of Zoning Appeals (BZA)

- The BZA rarely meets, maybe once or twice a year currently.
- Certain sign permits are required to be approved by the BZA, though they have not had one in a while, and they have all been approved in the past.
- Some variances, such as setbacks, are currently being reviewed by the Board of Supervisors with a recommendation from the Planning Commission.



Section 4 – General Regulations

- Section 4 of the zoning ordinance was identified as being an overly burdensome section of the ordinance to administer. However, Section 4.12.7 was identified as a well written section, and the water and sewer portions are important.
- The section regarding critical slopes is a challenge and needs improvements for the intent and to allow for minor disturbances. There are different terms in Section 30 that relate to slopes but gets confusing when addressing these and critical slopes.
- The building site requirements are good and necessary and should be organized to come first because they apply to everything and are not waivable.
- The parking standards in this section are very outdated. There is currently too much minimum parking requirements and parking substitutions (shared parking, near to transit) are currently being used in practice but is not listed in the ordinance.
- The sign regulations need to be trimmed down a lot. A lot of signs are required to get two permits, one by the Architectural Review Board and a zoning permit. There are many determinations and interpretations related to the sign regulations. The text needs to be updated with all the administrative practices.

Site Plans

- The current site plan approval process allows for the resubmissions of site plans by the same applicant. This can cause administrative challenges and take up a lot of time. This makes the process longer than it is intended to be and the frequency of poor/incomplete submissions is higher than it should be.
- Very few people utilize the pre-application plan. Initial and final site plans are required.
- There may be potential to remove the initial site plan requirement and only require final site plans. However, the initial site plan approval process has improved and allows applicants to get started with grading prior to final approval but may be requiring too many details for this stage in the site plan approval process.



Group 2 – Planning and Engineering Staff

Flood Hazard Overlay District

- The regulations for the floodplain need to be clearer, especially the allowed uses, to help ease administrative burden.
- The current guidelines for floodplain management are stricter than the FEMA guidelines.
- There are permitted uses in Flood Hazard Overlay, Section 18-30.3.11 that require a Special Use Permit but should be allowed by-right:
 - Water related uses such as boat docks and boat liveries
 - Bridges, ferries and culverts not serving single-family dwellings
 - Dams, levees and other structures for flood control or for the public drinking water supply
 - Grading activities, including cut or fill, in compliance with the Water Protection Ordinance, but for which the floodplain administrator determines will or may cause the base flood elevation to rise or the horizontal limits of the floodplain to expand
 - Currently by Special Use Permit in only in the Floodway Fringe. Could this become by-right in floodway fringe?
 - Structures accessory to uses permitted by right in the regulatory floodway, excluding structures having habitable space; provided that any such structure permitted shall be flood-proofed and anchored per Section 30.3.15.
 - This is hard for staff to decipher the meaning and should be revisited.
- It should be noted that the Stream Buffer Overlay of Chapter 17 is being reviewed and considered for inclusion in the Zoning Ordinance.
- The Regulatory Floodway and Floodway Fringe are not easily identified on maps available to the public or staff.

Land Uses

- Special exception requirements based on water consumption can slow down or halt a project, and they are complicated regulations based on the ACSA jurisdictional area, which contradicts the zoning map and, in some cases, the comprehensive plan.
- Section 5.1.40 regarding wireless facilities is well covered with use standards, but some may need adjusting to reduce requests for modifications.
- The zoning text to calculate the area of a home occupation is complicated and confusing to applicants.
- Many of the permitted uses in Zoning Districts should be considered for permission changes, including:
 - Veterinary offices and hospitals by-right in some districts. They could be by-right in all commercial districts (including DCD, PDSC and PDMC), and perhaps some of the higher density residential districts.
 - Hotels by-right in C1 and CO, PDSC, and PDMC.
 - Animal shelters by-right in commercial districts.
 - Indoor athletic facilities by-right in CO commercial.



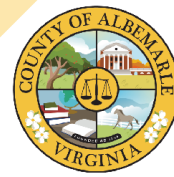
- Commercial kennels, redefine this use, and possibly make it by-right for indoor commercial kennels in the HC district (and other commercial districts).
- Commercial recreation establishments including but not limited to amusement centers, bowling alleys, pool halls and dance halls by-right in CI and HC commercial, and PDSC and PDMC.
- Section 18-26.2 includes a table with permitted uses in the industrial zoning districts. Many of the uses in the table and their status (BR, SP, Not allowed) should be revised. Particularly under the “Offices” and “Commercial Uses” sections.
- Private schools by-right in many of districts that it is currently a SP.
- Child day center regularly approved as a SP and should be by right with a zoning clearance in many districts (including PRD and PUD).

Zoning Approvals

- Variations, modifications, and waivers all go through the special exception application process but many of these could be handled administratively or through changes in the use standards, such as a modification to wireless telecommunication uses regularly asking for 18 inches instead of the required 12.
- The Sinclair lawsuit has stopped a lot of administrative approval of certain modifications. The ordinance needs to clearly list which modifications can and cannot be administratively approved. It appears only items in Section 32 are allowed to be administratively approved but this is unclear.
- There may be “over” notification of requests to abutting property owners, currently send adjoining landowners notifications for site plan review and by-right approvals.
- Applicants are required after getting a special use permit to also get a zoning clearance, but many don’t follow through this full process.

Section 4 – General Regulations

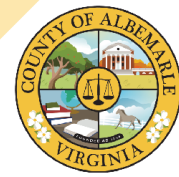
- Staff raised concerns over the challenges and complexities found within Section 4 of the ordinance and stated that a lot of those regulations need to be reworked.
- The section referring to visibility at intersections can be removed.
- The tree cutting section needs to be cleaned up and move the grading standards to a more appropriate location. There needs to be clarity between tree cutting versus clearing, pulling stumps, disturbing land. There could be a section for grading generally and then a section for grading with steep slopes.
- The ordinance talks about several types of slopes. This section addresses critical slopes, but it is often confused with managed and preserved slopes.
 - There should be clarification between permitted uses in Preserved Steep Slopes – “Necessary public facilities” vs. “distribution facilities.” Clarify that public storm pipes are allowed to go through (as necessary public facility or as distribution?).
 - Consider allowing all public utilities within Preserved Steep Slopes. Drainage, water, sewer, stormwater, and any easements for public access, greenways, emergency access, etc.



- The section regarding handicap accessibility does not have a clear intent. This might be able to be placed with the exemption of steps.
- Parallel parking requirements have been updated by VDOT and need to be updated in the ordinance. The Ordinance parallel parking requirement is 9x20, but VDOT allows smaller (8ft), the County Code should match VDOT standards for parking on public roads.
- The ordinance states that parking needs to be surfaced, but it does not clearly define what that means.
- The current parking standards are too strenuous and could be reduced. Staff consensus is that most uses are over-parked.

Site Plans

- Site plan approvals currently require applicants to submit a recorded easement plat. This isn't stated in the ordinance, and many applicants don't realize it has to be recorded and can halt the site plan approval process. Similarly, road plans are also being required by applicants.
- WPO (Stormwater and Erosion & Sediment Control) approvals are also required before a site plan can be approved.
- It would be good to allow some of these things to be done concurrently to help expedite the process.
- Applicants for by-right land uses do not often come in for a pre-application meeting prior to site plan approval, and this does not need to be included in the ordinance.
- The initial site plan approval process is only beneficial for major and clear deviations from the code. Otherwise, staff did not think this to be a beneficial process. However, it does allow some early site work and Chapter 17 of the County Code states that a WPO cannot be approved without an initial site plan approval.
- All required site plan elements need to be combined into one comprehensive site plan list.
- Staff did not recall any appeals of site plan denials in the past 5 years.
- Some sections, regarding streets, in the zoning ordinance refer to the subdivision ordinance. There are confusing and conflicting street standards and road standards between the two ordinances, and it is not always clear which one applies. It would be good to combine the four sections regarding traffic in section 32 of the zoning ordinance.
- The text about the interconnection of streets in Section 32.7.2.2 items d and e could be clarified with a measure, such as a number of lots.
- Plats could be submitted after things are built so that easements will be in the correct locations, and this does not hold up final site plan approval.



Miscellaneous

- Definitions should be reorganized for improved usage. The various types of signs are supplied throughout the definitions instead of all falling under “Signs”.
- Stepbacks are difficult to administer and need to be removed or adjust the height at which they apply.
 - Currently 40’ in height or third story, whichever is greater. This could be increased to something higher or eliminated entirely.
- Building heights need to increase, particularly in R10, R15, all commercial districts, and all planned districts.
 - Section 18-4.10.2.2 says FAA approval required for anything taller than 150’.
 - A 100’ height allowance in general for the districts mentioned above may be appropriate.
- Section 6, nonconformities, was noted as being a good section of the ordinance. It is simple, well organized, and easy to understand.
- There are certain fire code requirements in the zoning ordinance that are similar to the building code and unnecessary to include in the zoning ordinance.
- Recreational area standards have frequent requests for substitutions, these are handled administratively, text could be simplified or modernized to cut down on substitution requests.
- Street standards in Section 32.7.2.2 need parameters that specify the number of connections required to abutting properties. For example, if 50 apartments are proposed, one stub-out connection required. If more than 50, two stub out connections required, etc.



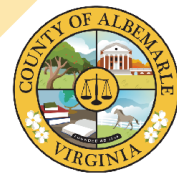
Albemarle Planning Commissioner Interviews Summary

Discussion Highlights

- Albemarle County is unique but still faces similar challenges to other communities. A major priority for the Zoning Ordinance update should be to address these issues while maintaining the community's unique aspects and preserving rural and natural resources.

Applications

- The application process has been seen as complex or confusing by applicants. The updated ordinance should streamline the application process and provide clear direction and references. Flexibility in the application process, in terms of what is required and the level of detail that should be included, can also help foster additional economic development and ease burdens for applicants.
- In general, applications usually have enough information for commissioners to make an informed recommendation. However, the amount of information contained in applications varies from one to another. Commissioners would like to see a similar high standard of required information for all applications, especially for smaller applications such as variances or modifications to ensure decisions are validated. Some additional details in the form of massing or renderings of developments would be appreciated but may be difficult to require for applicants that may not have those resources available to them. Some members expressed a desire that erosion and sediment control information and stream buffers be included on discretionary review applications.
- The top priorities for the Board of Supervisors, currently, is equity and sustainability. Applications don't always address these issues. Narratives included in applications should address both issues and explain the entire application, in detail, to help expedite the process.
- There have been challenges in reviewing applications where compounding impacts must be considered. An individual application may incorporate appropriate parking and road standards and have limited effect on roadways, but there may be unexpected traffic consequences when multiple applications with similar timeframes are occurring in the area. By seeing all current or recent applications on a particular roadway or high development area, the Planning Commission would have a better understanding of the traffic impact and transportation implications rather than viewing each individual application.
- Staff may be able to answer a lot of questions that the Planning Commission may have prior to the public hearing. This could be achieved in a work session setting. This way, staff can help fill in a lot of missing information and create a more efficient public hearing, especially with more complex applications.



Land Uses

- Several land uses that currently require a special use permit or modification requests are routinely approved with similar conditions and little to no issues. Commissioners have discussed many of these uses in the past and created a list of these uses that they believe may be better suited as by-right in certain districts with appropriate use standards. Examples include electrical substations, telecommunication towers, signs, pet care or kennels, day/night care centers, preschools, and limited family day homes.
- The current light industrial and commercial uses do not seem to exemplify the types of uses that are found in the County. Modern industrial uses should be allowed with sufficient performance standards. Heavy manufacturing and polluting industries should not be permitted as a use.
- Home occupations with minimal impact on the surrounding area should be permitted by-right.
- Uses that support agriculture or help maintain open space, such as canning facilities and tourism businesses, should be allowed in the rural district with performance standards.
- The current uses and standards for solar energy facilities need to be expanded to allow and differentiate for utility-scale solar farms. In addition, more performance standards are needed for solar uses.

Development Area

- The County currently has “hard lines” between their rural/limited growth areas and the development areas. These “hard lines” create a jarring transition between high and low growth areas and the County is lacking a transitional or “middle” growth area that may include district and design standards that are higher than rural areas but lower than development areas.
- The County currently has a large range of density for the residential districts, between six dwelling units per acre to 34 dwelling units per acre. Increasing density in some residential districts, while preserving the scale would help create transitional areas and answer development needs.
- In certain development areas, such as Crozet, development is beginning to outpace the available infrastructure (e.g., water and sewer capacity). Density needs to be evaluated in these areas to restrict their impact to infrastructure. Several development applications have had issues with respect to the lack of infrastructure. The County should consider requiring a level of infrastructure improvement from developers as well as requirements for street standard improvements, school impacts, and affordable housing requirements.
- Some commissioners expressed a desire to increase the density and scale of the development area rather than expanding further into the rural areas. Increased density could potentially lead to alternative parking designs, such as garages and underground parking, which are not viable with the current scale and densities.
- The County should consider incentives for more low impact development and site-specific green infrastructure. Low impact development that includes basic required standards could also be considered for administrative approvals.



- While the County have not yet seen a lot of form-based applications, both the form-based code and Neighborhood Model District are generally favored. Incentives should be put in place for additional high density mixed-used, form-based, and Neighborhood Model developments to create more robust and vibrant communities that are less car dependent.

Rural Areas

- The Rural Areas District makes up a large portion of the County. All parts of this area are treated the same, even though there are many nuances across this district. There should be some additional distinctions between the rural parts of the County, and this may come in the form of some additional agricultural zoning districts.
- Subdivisions in the Rural Areas District have been challenging, and development rights have been difficult to determine and enforce. There have been instances of subdivisions in this district that create long, narrow, unusable lots. This needs to be addressed.
- Reducing the lot size for non-agricultural related uses and increasing the minimum size for agricultural uses should be considered to preserve operational farmlands and forest and prevent large lawns and sprawl.

Design Standards

- Additional design standards, such as maximum parking limits and lighting standards that address new technology, need to be added to the ordinance.
- Landscaping standards need to be updated, to include trees and plants that better reflect native vegetation, planting standards, and requirement for a promissory note to be held by the County as a landscaping and maintenance bond.
- Current height and step-back standards need to be adjusted or removed. Current height standards may be too limiting, and step-back standards are a frequent waiver request.
- Commissioners expressed a desire to see more variety and progressiveness in housing and development types. Commissioners questioned ways to incentivize developers to design different types and styles of developments, beyond what is already provided by ordinance design standards.
- Architectural Review Board standards may need to be revisited in the future.
- The stream overlay district should be implemented.



Focus Group Listening Session Summary - CADRe

General

- The ordinance is very difficult to utilize; the ordinance is overly complex with numerous cross-references and similar provisions dispersed throughout. The webpage is a better resource for information.
- The Albemarle Architectural Review Board is an efficient group, and the processes and permitting used by that board is working well.
- The County should consider doing a few quick zoning text amendments to update uses and requirements with frequent requests (i.e., wireless communications, homestay, stepback, etc.).

Applications

- Preapplication meetings for zoning permits and site plans are effective and work well.
- Posting community meeting dates is helpful for timing, but unsure how that could be provided in an ordinance.
- Permitting processes are unclear. This includes items such as how long the process takes, when to submit, actions, such as deferring an application, and the results of that. Process improvements should include efficiencies for deferring and other processes.
- Discretionary review processes could be streamlined. Currently, a separate application is required to request a modification or waiver of a zoning map amendment (ZMA) or special permit. The separate applications are tracked and advertised individually and can get lost in the shuffle. This also means that there are separate staff reports (for individual special permits, ZMAs, modifications, etc.). It would be beneficial for this to be one application or have some administrative flexibility. However, the Board tends to want the extra oversight.
- Getting on the Planning Commission agenda can be a challenge. The agenda is so full that it is several months before an applicant can bring their request. If the ordinance is updated to allow more items by-right, then there will be fewer requests, and it will be easier to get on the agenda. Another option is to fast-track certain projects/types, such that low-risk and routine projects are prioritized for the Board docket to streamline the process for those applicants.
- Albemarle's concept plans require a lot of detail, whereas other localities allow for sketch plans. The sketch plans do not require the same amount of detail, such as sidewalk details and parking. If the ordinance is updated to reflect the community's expectations for development, then there should be more trust with applications because the applicants must follow the ordinance.



Site Plans

- Site plans have a lot of different pieces that must be submitted and reviewed. If items could be combined and tracked together, it would be easier to manage. If this becomes the new process, there should be some flexibility or assurance that one thing does not derail the approval. Continuing to have a mechanism that allows early grading is important. This could be accomplished through a preliminary grading plan.
- One conflict that occurs with plan submittals is discrepancies between reviewers and departments. Other localities utilize a “desktop process” to hash out issues/discrepancies from department to department. During this process, all parties sit down together to talk through the site plan edits. Additionally, having a single arbiter for reviews would be beneficial.
- Allowing the building permit process to start prior to final site plan approval would be beneficial. When small issues remain with the site plan, then the building permit process could start and parallel the site plan approval.
- Easement plat requirements are often overlooked with site plan approval, and this often delays projects.

District & Design Standards

- Neighborhood Model District (NMD) should be taken out; individual codes are great for flexibility but the amount of detail that is required slows down the process. This also seems like it would be hard to administer. Including some minimum and maximum items or a template would be helpful. The NMD is being used because the other districts are not working. In Raleigh, NC, the applicant zones into a district and a frontage type. This might be helpful to meet the need of mix and match measures.
- Frontage and private street requirements: why are lots not allowed to front on green space if all safety items are there (i.e., fire hydrants and spacing)? This requirement leads to waiver request to change alleys to private streets. The frontage definition and frontage requirements should be updated to allow different types of design.
- Building step-backs should be removed from the ordinance; they are currently applied to all buildings even if it is not fronting on a road. They must be applied over four stories but there is not much difference between four and five stories. It inhibits nice projects. The ordinance should allow increased height and a variation of heights. Greenville has no height restrictions on buildings because the market tends to regulate the height. After six or seven stories it becomes cost prohibitive.
- Setbacks are suburban in nature; urban areas should consider having a maximum instead of a minimum. Current infill setback regulations require matching an existing setback that may not match the future vision of the community.
- Lot sizes and frontage requirements in the in R-I district are too large. Many applicants are using cluster provisions because the lot size and frontage requirements are too much. However, cluster developments should allow additional lots and not the same density.
- The ordinance needs clarity regarding no setbacks from easements.



- There is a need for better coordination with outside agencies/departments and their codes/requirements (i.e., Fire Department). Development standards should fit along with the other agency standards; often a development standard conflicts with another department's code. A development standards document can be helpful but only if it does not become a wish list of items. It would be better as guidelines, so that the items are more flexible, allowing applicants to utilize them to design towards, and all departments can follow.
- Critical slopes should be approved with the County Engineer. The ordinance can have simple things in order to protect streams and prevent ridgelines of mountains without the extreme measures and checklists that must be submitted.
- Recreational amenities need updating. The requirements are very old and very specific.
- Parking minimums should be removed.
- There may be conflicts between the subdivision ordinance and zoning ordinance because of sidewalk standards and other design standards.

Land Uses

- Eliminate zoning districts that only allow single-family dwellings. There should be more housing options in districts.
- Business friendly localities allow you to zone into a district and have specific guidelines that can be followed with permitted uses.
- The number of special permits should be reduced. Uses should be allowed by-right with use standards.