



Mountain Overlay District

The intent of the Mountain Overlay District (MOD) is to protect water quality and public drinking water reservoir capacity; promote soil conservation and the conservation of forest resources, plant and animal habitat, and scenic values associated with the mountains; protect and promote the economic impact of these resources and tourism; and, promote the public safety by, among other things, controlling land disturbing activities in the mountain areas that can contribute to or be impacted by debris flows.



COMPREHENSIVE PLAN

Goal: Recognize the value of Albemarle's mountains, including protecting water quality and drinking water reservoir capacity, soil conservation, forest resources, plant and animal habitat, scenic values, tourism, and economic impact of these resources. *(Adopted August 5, 1998)*

STRATEGIC PLAN

Goals:

- ◆ Protect and/or preserve the County's rural character
- ◆ Protect and/or preserve the County's natural resources

PURPOSES OF MOUNTAIN PROTECTION ORDINANCE

- ◆ Protect public safety
- ◆ Protect headwater streams, water quantity and quality, and public drinking water reservoir capacity
- ◆ Reduce impacts of development on native biological diversity (natural heritage)
- ◆ Preserve properties and their values both within and outside the Mountain Overlay District
- ◆ Protect agricultural and forestal soils and uses
- ◆ Protect scenic qualities and cultural and other historical resources

MOUNTAIN OVERLAY DISTRICT THREE PART PROGRAM

PART I: MOUNTAIN OVERLAY DISTRICT ORDINANCE

FRAMEWORK FOR AN ORDINANCE

❖ Critical Slopes

- ◆ No buildings constructed on critical slopes (this restriction is in the existing ordinance)
- ◆ No new roads or driveways permitted on critical slopes
- ◆ Roads built for forestry, agricultural, and horticultural purposes built after the date of the MOD ordinance may not be converted to residential
- ◆ These limitations do *not* apply to: Roads and driveways on parcels recorded on or before December 10, 1980 (the date of the zoning ordinance), for the construction of the first single family residence (provided no alternative site or route is available)



❖ Erosion and Sediment Control Plan

- ◆ Land disturbing activities exceeding 2,500 square feet will require an effective E & S Plan

❖ Stream Buffers

- ◆ 200' buffers (100' now)
- ◆ No hard-surface or impermeable surface roads, including gravel on compacted base or driveways in stream buffer unless approved by special use permit

❖ Height Restrictions

- ◆ Building heights would be lower than the top of mountains

❖ Safe Access

- ◆ Access for fire and rescue vehicles would be required

❖ Waiver or Modification

- ◆ Administrative waiver or modification from the MOD requirements would be available
- ◆ Variances would be available in cases of undue hardship

PART 2: RURAL AREAS CLUSTER SUBDIVISION ORDINANCE

The Mountain Overlay District ridge areas would be a protected resource in future rural cluster subdivision regulations.



PART 3: ADDITIONAL PROTECTION FOR MOUNTAIN RESOURCES

- ◆ Promote conservation easements
- ◆ Promote riparian buffer easements
- ◆ Encourage voluntary reduction of development potential
- ◆ Explore other creative, flexible approaches to mountain protection, such as:
 - Complete or partial tax exemption for land in permanent riparian buffer easements
 - Modify ACE ranking criteria
 - Lease scenic rights
 - Abate all property taxes on Ridge Areas
 - Develop watershed protection fund
 - Develop Transfer of Development Rights (TDR) program

FOR MORE INFORMATION

Stay Informed! For the latest information, visit the Albemarle County website at:

<http://www.albemarle.org>.