

| ACTIONS | | |
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| Board of Supervisors Meeting of April 3, 2013 | | |
| | | April 5, 2013 |
| <u>AGENDA ITEM/ACTION</u> | <u>ASSIGNMENT</u> | <u>PODCAST</u> |
| 1. Call to Order. <ul style="list-style-type: none"> • Meeting was called back to order at 9:06 a.m., by the Chair, Ms. Mallek. All BOS members were present. Also present were Tom Foley, Larry Davis, Ella Jordan and Travis Morris. | | |
| 4. Adoption of Final Agenda. <ul style="list-style-type: none"> • Mr. Snow announced that he would be providing a report on the MPO. • Mr. Boyd announced that he would be providing a report on the Fiscal Impact Committee. • Mr. Foley commented that Item 8.5 from the consent agenda has been moved to Item 19a on the regular agenda. • ACCEPTED the final agenda. | | Listen |
| 5. Brief Announcements by Board Members. <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> • Provided a report on the semi-annual meeting of the Fiscal Impact Committee. <p><u>Duane Snow:</u></p> <ul style="list-style-type: none"> • Provided a report on the recent MPO Policy Board meeting and provided a listing of projects for the LRTP cost analysis. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Provided an update on the Workforce One Stop Committee. <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> • Announced that he would not be seeking re-election for another term on the Board of Supervisors. | | Listen |
| 6. Recognitions: <ol style="list-style-type: none"> a. Alan Collier for service on the Equalization Board. <ul style="list-style-type: none"> • Chair recognized and presented with Certificate of Appreciation. b. David Cooke for service on the Equalization Board. <ul style="list-style-type: none"> • Chair recognized and presented with Certificate of Appreciation. c. Proclamation recognizing Mothers Against Drunk Driving (MADD) April 21, 2013, as Power Talk 21 Day. <ul style="list-style-type: none"> • Chair read proclamation. d. Introduction of Douglas C. Walker, Assistant County Executive. <ul style="list-style-type: none"> • County Executive introduced Mr. Walker. | (Attachment 1) | Listen |
| 7. From the Public: Matters Not Listed for Public Hearing on the Agenda. <p><u>The following individuals expressed concerns about paid County firefighters not being able to volunteer as firefighters in the County:</u></p> <ul style="list-style-type: none"> • Rodney Rich • Richard Martin • Tom Loach | | Listen |

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| <p><u>The following individuals spoke about the appropriateness of Mr. Dumler to continue to represent the Scottsville District:</u></p> <ul style="list-style-type: none"> • Charles Winkler • Pat Napoleon • Steven Peters • Lena Marie <p><u>The following individuals spoke about the proposed zoning text amendment for industrial uses:</u></p> <ul style="list-style-type: none"> • Marcia Joseph • Blake Hurt • Wendell Wood • <u>Charles Battig</u> presented a presentation addressing the proposed County budget. • <u>Nancy Carpenter</u> spoke in support of the homeless and the housing of two homeless residents from the County. • <u>Gerry Sackett</u> spoke about safety issues at the intersection of Milton Road and Rose Hill Church Lane. • <u>Joe Draego</u> spoke in opposition to the proposed Comprehensive Plan. • <u>Jeff Werner</u> spoke about per unit proffers in response to comments made by Mr. Boyd earlier in the meeting. | | |
| <p>8.2 WPO-2012-00066. Ragged Mountain Dam Borrow Area – Request to extend the deadline for installing permanent vegetation.</p> <ul style="list-style-type: none"> • APPROVED WPO-2012-00066 subject to the following condition: <ol style="list-style-type: none"> 1. Permanent stabilization shall be installed by May 5, 2014. | <p><u>Glenn Brooks</u>: Notify applicant of approval.</p> | <p>Listen</p> |
| <p>8.3 SDP-2012-046. Cascadia Preliminary Site Plan, Variations #1-4 from ZMA-2002-004.</p> <ul style="list-style-type: none"> • APPROVED variations #1, #2, #3, and #4 for SDP-2012-046 subject to the conditions and recommendations listed in the staff report. | <p><u>Clerk</u>: Set out conditions of approval. (Attachment 2)</p> | |
| <p>8.4 Keswick Estates Utilities, LLC Application for a Certification of Public Convenience and Necessity.</p> <ul style="list-style-type: none"> • ADOPTED Resolution Approving Keswick Utility, Inc.'s Application to Obtain a Certificate of Convenience and Necessity from the SCC to allow more than fifty customer connections to the existing central systems, provided that the additional connections do not create a need to expand the existing central systems. | <p><u>Clerk</u>: Forward copy of adopted resolution to David Benish and County Attorney's office. (Attachment 3)</p> | |
| <p>8.5 Lewis and Clark Exploratory Center Funding. (Moved to Item 19a on regular agenda)</p> | | |
| <p>9. Calendar Year 2013 Tax Rate Resolution.</p> <ul style="list-style-type: none"> • By a vote of 4:2(Boyd/Thomas) ADOPTED resolution. | <p><u>Clerk</u>: Forward copy of adopted resolution to OMB, Finance and County Attorney's office. (Attachment 4)</p> | <p>Listen</p> |
| <p>10. Adoption of the FY 13/14 Operating and Capital Budgets.</p> <ul style="list-style-type: none"> • By a vote of 4:2(Boyd/Thomas) ADOPTED resolution. | <p><u>Clerk</u>: Forward copy of adopted resolution to OMB, Finance and County Attorney's office. (Attachment 5)</p> | |

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| <p>11. ZTA-2010-00004. Industrial Uses (deferred from March 13, 2013).</p> <p>12. ZTA-2010-00013. Industrial Uses in Commercial Districts (deferred from March 13, 2013).</p> <ul style="list-style-type: none"> • DIRECTED, by a vote of 5:1(Boyd) staff to move forward with the proposed ordinance, with a vesting date of April 3, 2014. (Note: This item was brought back and voted on at the end of the meeting.) | | Listen |
| <p>13. Overview of Virginia Tourism Development Financing Program.</p> <ul style="list-style-type: none"> • RECEIVED. • Staff to come back with potential tourism infrastructure opportunities/deficiencies. | <u>Lee Catlin:</u> Proceed as directed. | Listen |
| <p>14. Telecommunications Network Upgrade.</p> <ul style="list-style-type: none"> • RECEIVED. | | Listen |
| <p>15. Closed Meeting.</p> <ul style="list-style-type: none"> • At 12:29 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments; under Subsection (7) to consult with legal counsel and staff regarding specific legal matters requiring legal advice relating to the negotiation of an agreement for implementing a cooperative cost recovery program for emergency service transports; under Subsection (7) to consult with and be briefed by legal counsel and staff regarding the Sequel Investors Limited Partnership litigation and the Glenmore litigation because a public discussion would adversely affect the litigating posture of the County; under Subsection (7) to consult with and be briefed by legal counsel and staff regarding probable litigation concerning thirteen retired employee's compensation claims because a public discussion would adversely affect the litigating posture of the County; and under Subsection (7) to discuss with legal counsel and staff a specific legal matter requiring legal advice regarding employment issues relating to volunteer firefighters. | | Listen |
| <p>16. Certified Closed Meeting.</p> <ul style="list-style-type: none"> • At 2:06 p.m., the Board reconvened into open meeting and certified the closed meeting. | | |
| <p>17. Boards and Commissions: Appointments.</p> <ul style="list-style-type: none"> • REAPPOINTED Mr. David Shreve to the Charlottesville Albemarle Regional Transportation (CHART) Advisory Committee, with said term to expire April 3, 2016. • APPOINTED Ms. Jennifer Lafferty More to the Crozet Community Advisory Council, with said term to expire March 31, 2015. • APPOINTED Mr. Richard Randolph to the Rivanna River Basin Commission, with said term to expire April 30, 2017. • APPOINTED Ms. Linda Porterfield to the | <u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons. | |

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| | Village of Rivanna Community Advisory Council, with said term to expire March 31, 2015. | | |
| | NonAgenda. Resolution, No Reconsideration of Claims Denied on June 2, 2010. <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution. | <u>Clerk:</u> Forward copy of adopted resolution to County Attorney's office. (Attachment 6) | |
| 18. | <u>SP-2012-00031. Verizon Wireless "Eastham" Fox Property Tier III Personal Wireless Service Facility (Sign # 74).</u> <ul style="list-style-type: none"> By a vote of 6:0, APPROVED SP-2012-00031 subject to one condition. By a vote of 6:0, APPROVED the special exception for modifications to Section 4.1.40(c)(3) and (d)(6). | <u>Clerk:</u> Set out condition of approval. (Attachment 2) | Listen |
| 19. | FY 2013 Budget Amendment and Appropriations. <ul style="list-style-type: none"> By a vote of 6:0, APPROVED the FY 2013 Budget Amendment in the amount of \$3,135,426.02 and APPROVED appropriations #2013078, #2013079, #2013080, #2013082 and #2013084 to provide funds for various local government projects and programs. APPROVED appropriation #2013081 in the amount of \$1,969,331.81 for various school projects and programs | <u>Clerk:</u> Notify OMB, Finance and appropriate individuals of approved appropriations. | Listen |
| 19a. | Lewis and Clark Exploratory Center Funding. <ul style="list-style-type: none"> By a vote of 6:0, APPROVED an appropriation of \$130,000.00 (Appropriation 2013-083) to the Economic Development Authority for the purpose of funding a loan to the LCEC for completion of the project and AUTHORIZED the County Executive to sign an agreement subject to the following: (1) an agreement between the County and the EDA regarding the EDA's reimbursement of the funds to the County when the LCEC repays the loan; (2) a note or some other instrument acceptable to the County Attorney by which the LCEC would agree to repay the loan to the EDA within six months; and (3) the City of Charlottesville contributing or committing to contribute the other \$130,000 required to make up the \$260,000 shortfall. | <u>OFD/County Attorney's office:</u> Proceed as approve. | Listen |
| 20. | VDOT Quarterly Report, Joel DeNunzio. <ul style="list-style-type: none"> Highlighted various items from VDOT's monthly report. Asked Board members to contact him if they notice any hazardous debris on the sides of the roads from the March 6 snow storm. | | Listen |
| 21. | Update on Long Range Transportation Plan, Steve Williams, TJPDC. <ul style="list-style-type: none"> DISCUSSED. | | Listen |
| 22. | Community Health Improvement Plan, Lillian Peake, Thomas Jefferson Health District. <ul style="list-style-type: none"> Removed from agenda. | | |
| 23. | From the Board: Committee Reports and Matters Not Listed on the Agenda. <ul style="list-style-type: none"> By a vote of 5:1 (Boyd) ADOPTED, ZTA-2010-00004 with a vesting date of April 3, 2014. By a vote of 6:0 ADOPTED, ZTA-2012-00013. <u>Duane Snow:</u> | <u>Clerk:</u> Forward copies of adopted ordinance to Community Development and County Attorney's office. (Attachments 7 and 8) | Listen |

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| <ul style="list-style-type: none"> • Asked staff if it could provide a strike through comparison of the draft Com Plan. | | |
| <p>24. From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • Asked for clarity on the nine vouchers that were approved for The Crossings at 4th & Preston. • Announced that Board members will be receiving a draft letter that will be sent to Congressman Hurt on the HUD issue. • Asked for clarity on the distribution of the money that was budgeted for historic resources. | | |
| <p>25. Adjourn to April 10, 2013, 4:00 p.m., Lane Auditorium.</p> <ul style="list-style-type: none"> • At 4:28 p.m., the Board adjourned until April 10, 2013. | | |

ewj/tom

- Attachment 1 – Proclamation recognizing Mothers Against Drunk Driving (MADD) April 21, 2013, as Power Talk 21 Day
- Attachment 2 – Conditions of Approval
- Attachment 3 – Resolution - Keswick Estates Utilities, LLC Application for a Certification of Public Convenience and Necessity
- Attachment 4 – Resolution - Calendar Year 2013 Tax Rates
- Attachment 5 – Resolution - FY 13/14 Operating and Capital Budgets
- Attachment 6 – Resolution – No Reconsideration of Claims denied on June 2, 2010
- Attachment 7 – Ordinance No. 13-18(1) Industrial Uses
- Attachment 8 – Ordinance No. 13-18(2) Industrial Uses in Commercial Districts

PROCLAMATION

- WHEREAS,** the County of Albemarle recognizes the importance of parents talking with their teens about alcohol; and
- WHEREAS,** high school students who use alcohol or other substances are five times more likely to drop out of school or believe good grades are not important; and
- WHEREAS,** teen alcohol use kills about 5,000 people each year, more than all other illegal drugs combined; and
- WHEREAS,** the majority of kids say their parents are their primary influence when it comes to decisions about drinking alcohol; and
- WHEREAS,** **PowerTalk 21®** day is established on **April 21, 2013**, to encourage parents and caregivers to embrace their important role in influencing America's youth and their decisions about drinking alcohol; and
- WHEREAS,** to equip parents to talk with their teens about alcohol, Mothers Against Drunk Driving® (MADD) will offer free community parent workshops to give parents the tools in a parent handbook to effectively talk to their teens about alcohol; and
- WHEREAS,** these local parent workshops, also replicated across the country, will offer parents a research-based parent handbook to help them talk with their teens about alcohol and encourage adults to consider creating a safer community by becoming involved in reducing underage drinking; and

NOW, THEREFORE, BE IT RESOLVED, that I, Ann H. Mallek Chair, on behalf of the Board of Supervisors of Albemarle, County, Virginia, do hereby proclaim

Sunday, April 21, 2013
as
PowerTalk 21® Day

in the County of Albemarle, Virginia, and urge all citizens to join in the local and national efforts to raise awareness of the importance of parents and teens talking together about alcohol in order to reduce the risks and dangers posed to teens and communities.

CONDITIONS OF APPROVAL

SDP-2012-046. Cascadia Preliminary Site Plan, Variations #1-4 from ZMA-2002-004

VARIATION #1 - To Vary the Street Layout subject to the following condition:

1. Provide "Do Not Enter" and "One Way" signage for Backwater Alley.

VARIATION #2- To Allow Public Maintenance of Various Streets.

VARIATION #3 - To Allow Variations to the Front and Rear Yard Setbacks subject to the following condition:

1. Maintain eighteen (18) feet from the garage to the edge of pavement from the road.

VARIATION #4- Vary the Street Sections for Delphi Drive and provide New Street Sections for the Townhouse Lots.

SP-2012-00031. Verizon Wireless "Eastham" Fox Property Tier III Personal Wireless Service Facility (Sign # 74).

1. Development and use shall be in general accord with what is described in the applicant's request and site plans, entitled "Eastham," with a final zoning drawing submittal date of 11/06/12 (hereafter "Conceptual Plan"), as determined by the Director of Planning and Zoning Administrator.

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

Modifications to Sections 5.1.40(c)(3), and (d)(6):

1. Section 5.1.40(c)(3)-size of antenna
2. Section 5.1.40(d)(6)-height of the antenna in relation to the reference tree.

**RESOLUTION TO APPROVE KESWICK ESTATES UTILITIES, LLC'S APPLICATION
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

WHEREAS, Keswick Utility Company and Keswick Utilities, Inc. provided central water and sewer services to fewer than 50 customers within the Keswick Real Estate Development (hereinafter, the "Development") from 1993 until 2012; and

WHEREAS, the Board adopted a resolution in 1993 approving Keswick Utility Company's application to provide central water and sewer services within the Development and acknowledging that both central systems would eventually serve 50 or more customers; and

WHEREAS, Keswick Utilities, Inc. applied to the Virginia State Corporation Commission (SCC) in 2010 for a Certificate of Public Convenience and Necessity pursuant to Virginia Code § 56-265.3 for approval to provide water and sewer services to 50 or more customers; and

WHEREAS, the Board adopted a resolution in 2010 approving Keswick Utilities, Inc.'s application for a Certificate of Public Convenience and Necessity to provide water and sewer services to 50 or more customers within the Development with the understanding that the additional customers would not require the expansion of either central system; and

WHEREAS, before Keswick Utilities, Inc.'s application was approved by the SCC, Keswick Utilities, Inc. sold its assets to Keswick Estates Utilities, LLC, which was created in early 2012 to provide central water and sewer services within the Development; and

WHEREAS, because authorities for both water and sewer utilities have been created within Albemarle County under Virginia Code § 15.2-5100 et seq., to provide water and sewer utilities, Virginia Code §§ 56-265.3(C) requires that Keswick Estates Utilities, LLC's application for a Certificate of Public Convenience and Necessity to increase the number of customers it serves be approved by the Board of Supervisors before the SCC may hold a public hearing on the application; and

WHEREAS, the SCC is requiring that the Board adopt a new resolution approving Keswick Estates Utilities, LLC's application for a Certificate of Public Convenience and Necessity to provide water and sewer services to 50 or more customers within the Development before it will process the application.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves Keswick Estates Utilities, LLC's application for a Certificate of Public Convenience and Necessity to provide water and sewer services to 50 or more customers within the Keswick Real Estate Development.

**RESOLUTION TO SET
CALENDAR YEAR 2013 TAX RATES**

BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia, does hereby set the County Levy for Calendar Year 2013 for general County purposes at Seventy-Six and Six-Tenths Cents (\$0.766) on every One Hundred Dollars of assessed value of real estate; at Seventy-Six and Six-Tenths Cents (\$0.766) on every One Hundred Dollars of assessed value of manufactured homes; at Seventy-Six and Six-Tenths Cents (\$0.766) on every One Hundred Dollars of assessed value of public service property; at Four Dollars and Twenty-Eight Cents (\$4.28) on every One Hundred Dollars of assessed value of personal property; and at Four Dollars and Twenty-Eight Cents (\$4.28) on every One Hundred Dollars of assessed value of machinery and tools; and

FURTHER orders that the Director of Finance of Albemarle County assess and collect the taxes on all taxable real estate and all taxable personal property.

**FY 2013/2014
BUDGET RESOLUTION**

BE IT RESOLVED by the Board of Supervisors of Albemarle County, Virginia:

- 1) That the budget for the County for the Fiscal Year beginning July 1, 2013 is made up of the County Executive’s Recommended Budget document and the amendments made by the Board of Supervisors, including the revised Financial Management Policies.
- 2) That the budget for the County for the Fiscal Year beginning July 1, 2013 is summarized as follows:

| | FY 13/14 Adopted |
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| Administration | \$11,056,304 |
| Judicial | 4,197,135 |
| Public Safety | 34,709,613 |
| General Services | 3,820,244 |
| Human Development (including PVCC) | 15,505,964 |
| Parks, Recreation, and Culture | 6,391,303 |
| Community Development | 6,299,971 |
| Other General Government | 2,332,390 |
| General Government Special Revenue Funds | 16,439,695 |
| General Government Capital Projects | 8,624,719 |
| General Government Debt Service | 4,094,923 |
| Stormwater Improvements | 391,445 |
| Education - School Operations and Self-Sustaining Funds | 168,228,920 |
| Education - Capital Projects | 10,722,904 |
| Education - Debt Service | 12,704,060 |
| City/County Revenue Sharing | 16,931,333 |
| TOTAL | \$322,450,923 |

- 3) That the budget for the County for the Fiscal Year beginning July 1, 2013 as described in 1) and 2) above is approved.

**RESOLUTION
NO RECONSIDERATION OF CLAIMS DENIED ON JUNE 2, 2010**

WHEREAS, the Board of Supervisors of Albemarle County has received a letter dated March 22, 2013, from David Thomas representing thirteen retired employees (hereafter, "Claimants") on compensation claims previously presented to the Board in 2010 and disallowed by the Board by a Resolution adopted June 2, 2010; and

WHEREAS, the claims were fully considered and disallowed by the Board on June 2, 2010; and

WHEREAS, the claims were not appealed as required by Virginia Code § 15.2-1246 after written notice of the disallowance was given to the Claimants; and

WHEREAS, the attempted appeal of the disallowance of the claims was dismissed with prejudice by the Virginia Supreme Court; and

WHEREAS, the Board does not consent to any action by the Claimants against the County; and

WHEREAS, pursuant to Virginia Code § 15.2-1247, the disallowance of the claims is final and not appealable.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County hereby declines to reconsider the claims of Cindy Camirand, Larry Claytor, Roger Craig, Glenn Fink, Juanita Irvine, Ron Kesner, George Noteman, Janet Pandey, Michael Schnur, Patty Jo Scites, John Shepherd, James Shifflett, and Bruce Woodzell previously presented to the Board in 2010 and disallowed by the Board by a Resolution adopted June 2, 2010.

BE IT FURTHER RESOLVED that the Board of Supervisors does not consent to any action by the Claimants against the County.

ORDINANCE NO. 13-18(1)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, ARTICLE II, BASIC REGULATIONS, ARTICLE III, DISTRICT REGULATIONS, AND ARTICLE IV, PROCEDURE, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article I, General Provisions, Article II, Basic Regulations, Article III, District Regulations, and Article IV, Procedure, are hereby amended and reordained as follows:

By Amending:

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| Sec. 3.1 | Definitions |
| Sec. 4.14.5 | Certified engineer's report |
| Sec. 5.1.10 | Junk yards |
| Sec. 8.5.5.2 | Review of site plans and subdivision plats |
| Sec. 26.1 | Intent, where permitted |
| Sec. 27.1 | Intent, where permitted |
| Sec. 27.2 | Permitted uses |
| Sec. 28.1 | Intent, where permitted |
| Sec. 28.2 | Permitted uses |
| Sec. 29.1 | Intent, where permitted |
| Sec. 29.2 | Permitted uses |

By Amending and Renaming:

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| Sec. 5.1.15 | Sawmills, temporary or permanent, planing mills and wood yards |
| Sec. 5.1.20 | Sale or storage of petroleum products, including kerosene, gasoline, and heating oil |
| Sec. 5.1.21 | On-site dwellings and sleeping quarters accessory to commercial and industrial uses |
| Sec. 5.1.31 | Automobile or truck repair shops, body shops, motorcycle and off-road vehicle sales and service shops, and public garages |

By Amending, Renumbering and Renaming:

| <u>Old</u> | <u>New</u> | <u>Heading</u> |
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| Sec. 26.3 | Sec. 26.2 | Permitted primary and accessory uses and structures; prohibited uses and structures |
| Sec. 26.6 | Sec. 26.4 | Structure height and setback |
| Sec. 26.10 | Sec. 26.5 | Minimum yards |
| Sec. 27.4 | Sec. 27.3 | Structure height, yard, setback, development, use |
| Sec. 28.4 | Sec. 28.3 | Structure height, yard, setback, development, use |
| Sec. 29.5 | Sec. 29.3 | Structure height, yard, setback, development, use |

By Adding:

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| Sec. 26.3 | Independent office and general commercial uses; additional factors when considering special use permits |
| Sec. 5.1.49 | Dry cleaning plants |
| Sec. 5.1.50 | Foundries |
| Sec. 5.1.51 | Outdoor activities |
| Sec. 5.1.52 | Outdoor storage |
| Sec. 5.1.53 | Rendering facilities |
| Sec. 5.1.54 | Slaughterhouses |
| Sec. 5.1.55 | Tire recycling yards |
| Sec. 26.6 | Site development and use |

By Repealing:

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| Sec. 26.2 | Application |
| Sec. 26.4 | Standard ratios |
| Sec. 26.5 | Off-street parking and loading requirements |
| Sec. 26.7 | Performance standards |
| Sec. 26.8 | Sign regulations |

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| Sec. 26.9 | Minimum landscaped area |
| Sec. 26.11 | Utility requirements |
| Sec. 26.12 | Site planning – external relationships |
| Sec. 26.12.1 | Vehicular access |
| Sec. 26.13 | Building separation |
| Sec. 27.2.1 | By right |
| Sec. 27.2.2 | By special use permit |
| Sec. 27.3 | Minimum area required for establishment of district |
| Sec. 28.2.1 | By right |
| Sec. 28.2.2 | By special use permit |
| Sec. 28.3 | Minimum area required for establishment of district |
| Sec. 29.2.1 | By right – Category I |
| Sec. 29.2.2 | By special use permit – Category I |
| Sec. 29.2.3 | By right – Category II |
| Sec. 29.2.4 | By special use permit – Category II |
| Sec. 29.3 | Minimum area required for creation of district |
| Sec. 29.4 | Number of permitted uses |

Chapter 18. Zoning

Article I. General Provisions

Sec. 3.1 Definitions

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Data center: A facility used to house computer systems and associated components, such as telecommunications and storage systems and which may include redundant or backup power supplies, redundant data communications connections, environmental controls such as air conditioning or fire suppression, and security devices.

Data processing facility: Facilities where electronic data is processed by employees including, but not limited to, data entry, storage, conversion or analysis, subscription and credit card transaction processing, telephone sales and order collection, mail order and catalog sales, and mailing list preparation.

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Energy and communications transmission facilities: Electrical power substations, transmission lines and related towers; gas or oil transmission lines, pumping stations and appurtenances; unmanned telephone exchange centers, micro-wave and radio-wave transmission and relay towers, substations and appurtenances; but excluding personal wireless service facilities.

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Independent offices: In the industrial districts, offices that are not “industrial offices.”

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Industrial offices: Offices that are owned and operated by the same business entity engaged in a Laboratories/ Research and Development/Experimental Testing, Manufacturing/Processing/Assembly/Fabrication/ Recycling, or a Storage/Warehousing/Distribution/Transportation use located in Albemarle County or the City of Charlottesville, where the offices provide services to the industrial use but which need not be on the same site as the industrial use. For the purposes of this definition, “Offices that are owned and operated by the same business entity” does not mean offices that are part of an entity that is in an affiliated business entity relationship or a parent-subsidiary relationship with the entity engaged in the industrial use.

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Laboratories/Research and Development/Experimental Testing: Scientific research, testing, investigation or experimentation, the development of prototype products, and/or the assembly or manufacture of prototype products and including, but not limited to, bioscience and medical devices research, development and manufacturing, and information technology and defense security research, development and manufacturing; scientific or technical instruction.

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Manufacturing/Processing/Assembly/Fabrication/Recycling: The processing and/or converting of goods, materials or products; the assembly of components, pieces or subassemblies into articles or substances of different character, or for use for a different purpose.

...

Outdoor: Either outside a structure, or inside a structure that has open windows, doors or other openings so as to allow the activity inside the structure to be visible or audible outside the structure.

...

Public uses: Public uses, buildings and structures including, but not limited to, schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies and including temporary or mobile facilities for these purposes; public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and similar facilities owned and/or operated by the Rivanna Water and Sewer Authority (reference 5.1.12).

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Recycling collection station: A facility providing designated containers for the collection, sorting, and temporary storage of recoverable resources such as paper, glass, metal, and plastic products until they are transported to a recycling process center or to another location.

...

Recycling processing center: A facility to recycle, process, or treat recoverable resources such as paper, glass, metal, and plastic products in order to return them to a condition in which they can be reused for production.

...

Storage/Warehousing/Distribution/Transportation: An establishment used primarily for the safekeeping, selling or transferring of saleable goods or raw materials to be incorporated into saleable goods including, but not limited to, storage facilities, call centers, data processing facilities or transit; an establishment used as a privately owned and operated waste transfer station; and towing services and the storage of vehicles in conjunction with that service.

...

Subordinate retail sales: The retail sale of products of a Laboratories/Research and Development/Experimental Testing, Manufacturing/Processing/Assembly/Fabrication/ Recycling, or a Storage/Warehousing/Distribution/Transportation use that is located on the same site as the industrial use.

...

Supporting commercial uses: A retail or office use within an industrial district that is subordinate to and which primarily serves Laboratories/Research and Development/Experimental Testing, Manufacturing/Processing/Assembly/Fabrication/ Recycling, or Storage/Warehousing/Distribution/Transportation uses or their employees including, but not limited to, restaurants such as sandwich shops, beauty salons, banks, day care centers, copy centers, private parcel shipping and delivery services, courier services, printing services, cleaners, commercial truck repair, financial services, accounting services, human resources services, employment services, and temporary employment services.

...

Water, sewer, energy and communications distribution facilities: Facilities that are: (i) electric, gas, oil and communication facilities, including their monopoles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility, but excluding their towers and excluding personal wireless service facilities; (ii) water distribution and sewer collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority; or (iii) central water supplies and

central sewage systems in conformance with chapter 16 and all other applicable law, except as otherwise expressly provided.

Article II. Basic Regulations

Sec. 4.14.5 Certified engineer's report

Prior to the issuance of a zoning clearance or approval of a final site plan, each prospective occupant of a use of an industrial character shall submit a certified engineer's report as follows, except as provided in subsection (c):

- a. *Contents.* Each certified engineer's report shall include the following information unless the county engineer determines that any such information is not necessary:
 1. *Nature of the operation.* A description of the proposed operation, including all machines, processes, and products.
 2. *Emissions and discharges.* The identification of all by-products or wastes, stating the expected levels of emissions or discharges to land, air, and/or water of any liquid, solid or gas, and the emission of electrical impulses and sound under normal operations.
 3. *Control of emissions and discharges.* Descriptions and specifications as to how emissions and discharges will be treated and the equipment and practices that will be used to control emissions and discharges.
 4. *Other information.* Any state or federal permits, readings, measurements, plans or documentation necessary to demonstrate that the proposed use will comply with this chapter, other requirements of the Code and all applicable state and federal laws, including but not limited to those pertaining to the following:
 - (a) *Air emissions.* Air emissions subject to the applicable regulations of the State Air Pollution Control Board and the Virginia Department of Environmental Quality.
 - (b) *Water discharges.* Water discharges subject to the applicable regulations of the State Water Control Board and the Virginia Department of Environmental Quality.
 - (c) *Radioactive materials and radiation emissions.* Radioactive materials used in conjunction with, and radiation emissions from, a use that is subject to the applicable regulations of the State Board of Health and all applicable requirements arising from all agreements between the Commonwealth of Virginia and the United States of America, and any department or agency thereof, pertaining to radioactive materials or radiation emissions, and all interstate compacts pertaining to radioactive materials or radiation emissions to which the Commonwealth of Virginia is a party. Any radioactivity or radiation that would adversely affect the navigation or control of aircraft shall comply with the current regulations of the Federal Aviation Administration.
 - (d) *Flammable, hazardous and explosive materials.* Flammable, hazardous and explosive materials used in conjunction with a use shall comply with the applicable requirements of the county fire marshal and the Virginia Department of Environmental Quality.
 - (e) *Disposal of waste and spill containment.* The disposal of waste and the containment of spills in conjunction with a use shall comply with the applicable requirements of the county fire marshal. Any use required by section 5 to provide a waste management plan shall provide a plan that demonstrates that waste will be disposed of only in strict compliance with state and federal regulations.
 - (f) *Mosquito control plan.* Any use required by section 5 to provide a mosquito control plan shall provide a plan that demonstrates how mosquitoes will be controlled.
- b. *Review of report.* The certified engineer's report shall be reviewed by the county engineer, who shall inform the zoning administrator as to whether the proposed use complies with the performance standards in sections 4.14 through 4.14.5. If a site plan is required, the county engineer shall review the report and

inform the commission or the agent prior to action on the preliminary site plan as to whether the proposed use complies with the performance standards in sections 4.14 through 4.14.5.

- c. *Document in lieu of certified engineer's report.* In lieu of a certified engineer's report, the county engineer may allow a prospective occupant of a use of an industrial character to submit a document that describes the processes and activities of the proposed use and addresses the performance standards in sections 4.14 through 4.14.5. A document in lieu of a certified engineer's report: (i) is appropriate for those uses of an industrial character that are determined by the county engineer to be low impact; (ii) may be in the form of a letter, or in any other form acceptable to the county engineer, signed by the prospective occupant or its representative; and (iii) shall be reviewed by the county engineer, who shall inform the zoning administrator as to whether the proposed use complies with the performance standards in sections 4.14 through 4.14.5.

(§4.14.8, 12-10-80; 9-9-92; § 4.14.5, Ord. 11-18(8), 8-3-11)

Sec. 5.1.10 Junk yards

Each junk yard shall be subject to the following:

- a. All storage and operational areas shall be enclosed by a solid, light-tight, sightly fence not less than eight (8) feet in height or alternative screening and/or fencing satisfactory to the zoning administrator.
- b. Any storage area and the site's access to a public road shall be maintained in a dust-free surface.

Sec. 5.1.15 Sawmill, temporary or permanent, planing mills and wood yards

Each temporary or permanent sawmill, planing mill and wood yard shall be subject to the following: (Added 10-3-01)

- a. No structure and no storage of lumber, logs, chips or timber shall be located closer than one hundred (100) feet to any lot line. Trees and vegetation within the one hundred (100) foot setback shall be maintained as a buffer to abutting properties and uses, provided that during the last three months of operation the trees may be removed.
- b. No saw, planer, chipper, conveyor, chute or other similar machinery shall be located closer than six hundred (600) feet from any dwelling on any lot other than the lot on which the sawmill, planing mill or wood yard is located.
- c. No machinery used for sawing, planing, chipping or other wood processing shall operate between 7:00 p.m. and 7:00 a.m. No wood or wood products shall be loaded or unloaded between 12:00 midnight and 7:00 a.m.
- d. All timbering and milling operations, including reforestation/restoration and the disposal of snags, sawdust and other debris, shall be conducted in accordance with Title 10.1 of the Virginia Code and the regulations of the Virginia Department of Forestry. (Amended 10-3-01)

(§ 5.1.15, 12-10-80; Ord. 01-18(6), 10-3-01)

Sec. 5.1.20 Sale or storage of petroleum products, including kerosene, gasoline, and heating oil

The sale or storage of petroleum products, including kerosene, gasoline, and heating oil, in excess of six hundred (600) gallons shall be subject to the following:

- a. The sale or storage of the petroleum products shall satisfy the requirements established by the fire prevention code of the National Board of Fire Underwriters and the latest edition of the "Flammable and Combustible Liquids Code, NEPA 30" of the National Fire Prevention Association,
- b. No storage tanks and loading facilities shall be located closer than one hundred (100) feet from any lot line.

Sec. 5.1.21 On-site dwellings and sleeping quarters accessory to commercial and industrial uses

Each on-site dwelling or sleeping quarters that is accessory to a commercial or industrial use shall be subject to the following:

- a. Dwellings and sleeping quarters may be occupied only by owners or employees of the establishments, including on-site security officers, scientists and lab technicians.
- b. Any dwelling may be detached from the establishment to which it pertains or within the same structure as the establishment, subject to Albemarle County building official and fire official approvals.
- c. Any sleeping quarters shall be located within the primary structure and shall be subordinate to the primary use.
- d. Not more than one (1) dwelling unit or sleeping quarters shall be permitted per establishment.
- e. No manufactured home shall be permitted as a dwelling unit for a period in excess of six (6) months. (Added 3-17-82) (Amended 4-17-85)

Sec. 5.1.31 Automobile or truck repair shops, body shops, motorcycle and off-road vehicle sales and service shops, and public garages

Each automobile or truck repair shop, body shop, motorcycle and off-road vehicle sales and service shop, and public garage shall be subject to the following:

- a. All parts, materials and equipment shall be stored within an enclosed building.
- b. No vehicle awaiting repair shall be located on any portion of the site so as to be visible from any public street or any residential property, and shall be limited to locations designated on the approved site plan.
- c. All services shall be performed within an enclosed building.
- d. No buildings in which services are performed shall be located closer than fifty (50) feet from any residential or agricultural district.

Sec. 5.1.49 Dry cleaning plants

Each dry cleaning plant shall be subject to the following:

- a. The use of perchloroethylene is prohibited.
- b. The use of petroleum solvents is prohibited.

Sec. 5.1.50 Foundries

Each foundry shall be subject to the following:

- a. The outdoor production, processing, or repair of equipment shall be located no closer than three hundred (300) feet from any residential or agricultural district. The distance shall be measured from the closest edge of the outdoor production, processing, or repair area to the boundary of the residential or agricultural district.
- b. No outdoor activity, including the location of internal access roads, shall be established, conducted or used within one hundred (100) feet of a residential or agricultural district.
- c. No activity shall be conducted outdoors between 7:00 p.m. and 7:00 a.m.

Sec. 5.1.51 Outdoor activities in industrial districts

Except as otherwise expressly permitted for a particular use, each use permitted by right or by special use permit in an industrial district shall be subject to the following:

- a. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall be conducted within a completely enclosed building.
- b. No outdoor activity, including the location of internal access roads, shall be established, conducted or used within one hundred (100) feet of a residential or agricultural district.
- c. No activity shall be conducted outdoors between 7:00 p.m. and 7:00 a.m.

Sec. 5.1.52 Outdoor storage in industrial districts

Except as otherwise expressly permitted for a particular use, the outdoor storage of parts, materials and equipment in an industrial district shall be subject to the following:

- a. Storage areas shall be screened by a solid wall or fence, including solid entrance and exit gates, not less than seven (7) feet nor more than ten (10) feet in height.
- b. No wall or fence screening a storage area shall encroach into a sight distance triangle.
- c. The parts, materials and equipment stored in a storage area shall not be stacked higher than the screening wall or fence.
- d. No outdoor storage shall be located within fifty (50) feet of a residential or agricultural district.
- e. The outdoor storage of recyclable materials at a recycling collection or recycling processing center is prohibited.

Sec. 5.1.53 Rendering facilities

Each rendering facility shall be subject to the following:

- a. The use may be established and maintained only on a site that is at least five (5) acres in size.
- b. In the light industry (LI) district, no building or parking area shall be located within three hundred (300) feet of any residential or agricultural district. In the heavy industry (HI) district, no building or parking area shall be located within two hundred fifty (250) feet of any residential or agricultural district.
- c. No building shall be located within one thousand (1,000) feet of any school at the time the rendering facility is established.
- d. The certified engineer's report required by section 4.15 shall include a detailed waste management plan satisfying the requirements of that section.
- e. The outdoor storage of offal, dead animals or portions thereof, meat wastes, blood, tankage or any putrescible organic matter is prohibited.

Sec. 5.1.54 Slaughterhouses

Each slaughterhouse shall be subject to the following:

- a. The gross floor area of the building shall not exceed four thousand (4,000) square feet.
- b. The use may be established and maintained only on a site that is at least three (3) acres in size.
- c. In the light industry (LI) district, no building or parking area shall be located within two hundred (200) feet of any residential or agricultural district. In the heavy industry (HI) district, no building or parking area shall be located within one hundred fifty (150) feet of any residential or agricultural district.
- d. No building shall be located within one thousand (1,000) feet of any school at the time the slaughterhouse is established.

- e. Outdoor holding pens for animals are prohibited.
- f. The certified engineer's report required by section 4.15 shall include a detailed waste management plan satisfying the requirements of that section.

Sec. 5.1.55 Tire recycling yards

Each tire recycling yard shall be subject to the following:

- a. Tire storage piles are permitted as follows:
 - 1. The site may have up to four (4) tire storage piles in which unchipped or unshredded tires may be stored.
 - 2. No storage pile shall be more than one hundred (100) feet in width or depth nor taller than twelve (12) feet unless a larger or taller storage pile is permitted by the fire official.
 - 3. Each tire storage pile shall be surrounded by containment berms as required by the fire official.
 - 4. Tires stored in a storage pile shall be laced.
- b. Tires that are not stored in a storage pile shall be chipped or shredded before they may be stored onsite.
- c. Storage piles and all other outdoor storage ("storage areas") are subject to the following:
 - 1. Storage areas shall be screened by a solid wall or fence, including solid entrance and exit gates, not less than seven (7) feet nor more than twelve (12) feet in height.
 - 2. No wall or fence screening a storage area shall encroach into a sight distance triangle.
 - 3. Tires stored in a storage area shall not be stacked higher than the screening wall or fence.
 - 4. No storage area shall be located within fifty (50) feet of a residential or agricultural district.
- d. The certified engineer's report required by section 4.15 shall include a mosquito control plan satisfying the requirements of that section.
- e. Appropriate firefighting apparatus, water supply, and foam suppressant shall be available on the site, and they shall be of a type and in quantities required by the fire official.
- f. Twenty-four (24) hour on-site caretaker(s) trained by the local fire district to provide security and first-line firefighting shall be provided or, in the alternative, a twenty-four (24) hour surveillance and alarm system approved by the fire official may be used if the tire recycling yard is served by a continuously manned fire station.
- g. The site shall have paved or hard-surfaced fire access lanes and cleared areas around the exterior of the storage area and in between individual tire storage piles. The fire access lanes and cleared areas shall be established and maintained to the standards required by the fire official.

Article III. District Regulations

Sec. 8.5.5.2 Review of site plans and subdivision plats

Each preliminary and final site plan and subdivision plat for a planned development shall be reviewed for compliance with the applicable regulations, as follows:

- a. *Planned development districts established on or before December 10, 1980.* Each preliminary and final site plan and subdivision plat within a planned development district established on or before December 10, 1980 shall be reviewed for compliance with the applicable regulations when the site plan or subdivision plat is under county review; provided that, at the option of the developer or subdivider, each preliminary and final site plan and subdivision plat may be reviewed for compliance with the applicable regulations in

effect when the planned development was approved if the developer or subdivider establishes a vested right as provided in Virginia Code §§ 15.2-2296 *et seq.* or 15.2-2307 to develop under the previously approved planned development district.

- b. *Planned development districts established after December 10, 1980.* Each preliminary and final site plan and subdivision plat within a planned development district established after December 10, 1980 shall be reviewed for compliance with the applicable regulations in effect when the planned development district was established or, at the option of the developer or subdivider, in effect when the site plan or subdivision plat is under county review; subject to the following:
1. *Election to comply with regulations in effect when district established; exception for certain current subjects of regulation unless vested rights established.* If the developer or subdivider elects to have its site plan or subdivision plat reviewed for compliance with the applicable regulations in effect when the planned development district was established, all of the following subjects of regulation in effect when the site plan or subdivision plat is under county review shall apply unless vested rights are established under Virginia Code §§ 15.2-2296 *et seq.* or 15.2-2307: (i) entrance corridor overlay district (section 30.6); (ii) flood hazard overlay district (section 30.3); (iii) landscaping and screening (section 32.7.9); (iv) outdoor lighting (section 4.17); (v) parking (section 4.12); and (vi) signs (section 4.15). If rights are determined to have vested, the regulations for these six subjects in effect when rights vested shall apply. For the purposes of this subsection 8.5.5.2(b), an application plan approved on and after March 19, 2003 that complies with the requirements of an application plan under section 33.4, or a prior version thereof in effect on and after March 19, 2003, is a significant governmental act within the meaning of Virginia Code § 15.2-2307.
 2. *Election to comply with regulations in effect when district established; election to comply with certain current subjects of regulation.* If the developer or subdivider elects to have its site plan or subdivision plat reviewed for compliance with the applicable regulations in effect when the planned development district was established, the developer or subdivider may also elect to comply with one or more of the subjects of regulation listed in subsection 8.5.5.2(b)(1) in effect when the site plan or subdivision plat is under county review instead of with the corresponding regulations in effect when the planned development district was established.
- c. *Review for compliance and conformance.* A site plan or subdivision plat shall be reviewed to determine whether it complies with the applicable regulations and other requirements of law, and whether it conforms to the application plan, as follows:
1. *Zoning administrator.* The zoning administrator shall determine whether a site plan or subdivision plat complies with the applicable regulations. In addition, the zoning administrator, after consultation with the director of planning, shall determine whether the proposed permitted uses comply with the applicable regulations and, in doing so, may permit as a use by right a use that is not expressly classified in this chapter if the zoning administrator further determines that the use is similar in general character to the uses permitted by right in the district or by the code of development and is similar in terms of locational requirements, operational characteristics, visual impacts, and traffic, noise and odor generation.
 2. *Director of planning.* The director of planning shall determine whether a site plan or subdivision plat conforms to the application plan. In determining conformity, the director shall determine whether the central features or major elements within the development are in the same location as shown on the application plan and if the buildings, parking, streets, blocks, paths and other design elements are of the same general character, scope and scale as shown on the application plan.
 3. *County engineer.* The county engineer shall determine whether an erosion and sediment control plan, grading plan, stormwater management plan, road or street plan, and mitigation plan conform with the concept grading, stormwater management, streets, and mitigation shown on the application plan.
- d. *Applicable regulations defined.* For the purposes of this section 8.5.5.2, the term “applicable regulations” means, as appropriate and applicable, all zoning regulations, all subdivision regulations, the application plan (except for those elements authorized to be shown at a conceptual or general level), including those

plans formerly referred to as general development plans, conditions of approval, accepted proffers, the code of development, special use permits, variances, and waivers, modifications and variations.

- e. *Applicability of chapter 17.* Each preliminary and final site plan and subdivision plat within a planned development district shall be reviewed for compliance with chapter 17 of the Code in effect when the site plan or subdivision plat is under county review, regardless of when the planned development was established or whether the developer or subdivider elects, or establishes vested rights, under subsections 8.5.5.2(a) and (b) to proceed with review under the applicable regulations in effect when the planned development was approved.
- f. *Vested rights not impaired.* Nothing in this section shall be construed as authorizing the impairment of a vested right that may be established under Virginia Code §§ 15.2-2261(C), 15.2-2297, 15.2-2298, 15.2-2303 or 15.2-2307.

(§ 8.5.6.2, 12-10-80; 9-9-92; § 8.5.5.2, Ord. 03-18(2), 3-19-03; Ord. 09-18(9), 10-14-09)

Section 26

Industrial Districts -- Generally

Sec. 26.1 Intent, where permitted

Industrial districts are intended to be for the purpose of providing places of employment and strengthening the local economic base in furtherance of the economic development policy of the comprehensive plan. To this end, the following shall be encouraged: (i) the establishment and continuation of industrial uses and their supporting uses in the locations and at the levels of intensity designated for those uses in the comprehensive plan; (ii) the establishment of new industrial uses that are appropriate for the character of the industrial districts; and (iii) the enlargement and expansion of existing industrial uses.

Industrial districts are intended to be established in areas having all of the following characteristics: (i) the area is served by public water and sewer facilities; (ii) the area is served by major highway, rail or air service, or secondary roads improved to standards approved by the county; and (iii) the area is clearly demonstrated to be suitable for the intended uses, considering the physical characteristics of the land and the intended uses and their relationship to surrounding development.

Sec. 26.2 Permitted primary and accessory uses and structures; prohibited uses and structures

Uses and structures within the industrial districts are permitted as follows:

- a. *Primary uses and structures.* Primary uses and structures within the industrial districts are permitted by right, by special use permit, and by special exception as provided in the following table, subject to the applicable requirements of this chapter:

| Use | LI | HI | PD-IP Cat. 1 | PD-IP Cat. 2 |
|---|----|----|-----------------|-----------------|
| Manufacturing/Processing/Assembly/Fabrication/Recycling* | BR | BR | BR | BR |
| Asphalt mixing plants. | N | SP | N | SP |
| Brick manufacturing, distribution. | SP | BR | SP | BR |
| Cement, lime gypsum manufacture or processing. | N | SP | N | SP |
| Chemical, plastics manufacture or processing. | SP | SP | SP | SP |
| Dry cleaning plants (reference 5.1.49). | SP | BR | SP | BR |
| Foundries (reference 5.1.50). | N | SP | N | SP |
| Inorganic fertilizer manufacture or processing. | N | SP | N | SP |

| Use | LI | HI | PD-IP Cat. 1 | PD-IP Cat. 2 |
|--|----|----|-----------------|-----------------|
| Materials recovery facilities, privately owned and operated. | SP | BR | SP | BR |
| Organic fertilizer manufacture or processing. | SP | BR | SP | BR |
| Petroleum, gasoline, natural gas and manufactured gas bulk storage (reference 5.1.20). | SP | BR | SP | BR |
| Petroleum refining, including by-products (reference 5.1.20). | N | SP | N | SP |
| Pulp or paper manufacture or processing. | N | SP | N | SP |
| Recycling processing center. | SP | BR | SP | BR |
| Rendering plants (reference 5.1.53). | SP | BR | SP | BR |
| Sawmills, temporary or permanent; planing mills; wood yards (reference 5.1.15). | SP | BR | SP | BR |
| Storage/Warehousing/Distribution/Transportation* | BR | BR | BR | BR |
| Airports. | SP | SP | SP | SP |
| Heavy equipment and heavy vehicle parking and storage yards. | SP | BR | SP | BR |
| Heliports (reference 5.1.01). | SP | SP | SP | SP |
| Helistops (reference 5.1.01). | SP | SP | SP | SP |
| Junk yards (reference 5.1.10). | N | SP | N | SP |
| Warehouse facilities where there may be the storage of gasoline, kerosene or other volatile materials, dynamite blasting caps and other explosives, pesticides and poisons, and other materials which may be hazardous to life in the event of accident. | SP | BR | SP | BR |
| Wholesale businesses where there may be the storage of gasoline, kerosene or other volatile materials, dynamite blasting caps and other explosives, pesticides and poisons, and other materials which may be hazardous to life in the event of accident. | SP | BR | SP | BR |
| Laboratories/Research and Development/Experimental Testing | BR | BR | BR | BR |
| Offices** | | | | |
| Independent offices; within structure existing or vested on or before April 3, 2014. | BR | BR | BR | BR |
| Independent offices; within structure not established or not vested until after April 3, 2014. | SP | SP | SP | SP |
| Independent offices; within expanded portion of structure where expansion not established or not vested until after April 3, 2014. | SP | SP | SP | SP |
| Industrial offices. | BR | BR | BR | BR |
| Public Uses, Utilities and Services, and Telecommunications Uses** | | | | |
| Energy and communications transmission facilities (reference 5.1.12). | SP | SP | SP | SP |
| Fire, ambulance and rescue squad stations (reference 5.1.09). | BR | BR | BR | BR |
| Personal wireless service facilities, Tier I (reference 5.1.40). | BR | BR | BR | BR |

| Use | LI | HI | PD-IP Cat. 1 | PD-IP Cat. 2 |
|---|----|----|-----------------|-----------------|
| Personal wireless service facilities, Tier II (reference 5.1.40). | BR | BR | BR | BR |
| Personal wireless service facilities, Tier III (reference 5.1.40). | SP | SP | SP | SP |
| Public uses (reference 5.1.12). | BR | BR | BR | BR |
| Stormwater management facilities shown on an approved final site plan or subdivision plat. | BR | BR | BR | BR |
| Water, sewer, energy, communications distribution facilities (reference 5.1.12). | BR | BR | BR | BR |
| Temporary Uses** | | | | |
| Temporary construction headquarters (reference 5.1.18). | BR | BR | BR | BR |
| Temporary construction storage yards (reference 5.1.18). | BR | BR | BR | BR |
| Temporary events sponsored by local nonprofit organizations (reference 5.1.27). | SP | SP | SP | SP |
| Temporary nonresidential mobile homes (reference 5.8). | BR | BR | BR | BR |
| Commercial Uses** | | | | |
| Uses permitted by right or by special use permit in the Commercial (C-1), Commercial Office (CO) and Highway Commercial (HC) districts (collectively, "general commercial uses" as used in section 26.3) not otherwise expressly authorized by this section either by right or by special use permit; within structure existing or vested on April 3, 2013. | SP | SP | SP | SP |
| Farmers' markets conducted in a permanent structure established after May 5, 2010 (reference 5.1.47). | SP | SP | SP | SP |
| Farmers' markets conducted outdoors or within a temporary or a permanent structure existing on May 5, 2010 (reference 5.1.47). | BR | BR | BR | BR |
| Hotels, motels, inns. | SP | SP | SP | SP |
| Outdoor storage, display and/or sales serving or associated with a permitted use, other than a residential, agricultural or forestal use, any portion of which would be visible from a street within the entrance corridor overlay district to which it is contiguous or from any other street within the entrance corridor overlay district which is located within five hundred (500) feet; provided that review shall be limited to determining whether the outdoor storage, display and/or sales is consistent with the applicable design guidelines. | SP | SP | SP | SP |
| Subordinate retail sales for any use permitted by right; use does not exceed 25% of the gross floor area of the primary industrial use. | BR | BR | BR | BR |
| Subordinate retail sales for any use permitted by right; use exceeds 25% of the gross floor area of the primary industrial use. | SE | SE | SE | SE |
| Supporting commercial; use does not exceed 25% of the gross floor area of the freestanding building or multiple buildings on an industrial site. | BR | BR | BR | BR |
| Supporting commercial; use exceeds 25% of the gross floor area of the freestanding building or multiple buildings on an industrial site. | SE | SE | SE | SE |
| Parking** | | | | |
| Parking structures, as part of an occupied structure (reference 4.12, 5.1.41). | BR | BR | BR | BR |
| Parking structures, stand alone (reference 4.12, 5.1.41). | SP | SP | SP | SP |

| Use | LI | HI | PD-IP Cat. 1 | PD-IP Cat. 2 |
|--|----|----|-----------------|-----------------|
| Parking area, stand alone (reference 4.12, 5.1.41). | SP | SP | SP | SP |
| Uses Not Served By Public Water or Public Sewer** | | | | |
| Uses permitted by right in the Light Industry (LI) or Heavy Industry (HI) districts, not served by public sewer, involving anticipated discharge of sewage other than domestic wastes. | SP | SP | SP | SP |
| Uses permitted by right in the Light Industry (LI) or Heavy Industry (HI) districts, not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day. | SP | SP | SP | SP |
| Miscellaneous | | | | |
| Dwellings and sleeping quarters, on-site (reference 5.1.21). | BR | BR | BR | BR |
| Fill areas (reference 5.1.28) | BR | BR | BR | BR |
| Waste areas (reference 5.1.28) | BR | BR | BR | BR |

*Applies to all uses within this use classification, as defined, except for those uses expressly identified in unshaded text below that use classification.

**Heading is for organizational purposes only and is not a use classification.

BR: The use is permitted by right.

SP: The use is permitted by special use permit.

SE: The use is permitted by special exception.

N: The use is not permitted.

- b. *Planned industrial parks and proffered industrial districts approved prior to April 3, 2013.* Within the following planned industrial parks and proffered industrial districts, the uses permitted by right, by special use permit, and by special exception shall be as follows:
1. *Uses in planned industrial parks.* The uses permitted by right and by special use permit in any planned development -industrial park (PD-IP) district approved prior to April 3, 2013, any industrial park approved as a planned development prior to December 10, 1980, are those uses permitted by right and by special use permit in effect when the zoning map amendment was approved and those uses delineated in subsection (a), regardless of any election made for a planned development district under subsections 8.5.5.2(a) and (b).
 2. *Uses in proffered industrial districts.* The uses permitted by right and by special use permit on any site within an industrial district for which proffers either specifying or prohibiting particular uses were accepted prior to April 3, 2013, are those uses permitted by right and by special use permit in effect when the zoning map amendment was approved and those uses delineated in subsection (a), provided that any use not allowed by right or by special use permit by a proffer shall be prohibited.
 3. *Certain non-industrial uses in planned industrial parks and proffered industrial districts.* In the planned industrial parks and proffered industrial districts delineated in subsections (b)(1) and (2), no supporting retail sales or subordinate commercial use that would exceed the by right thresholds in subsection (a) shall be expanded without a special exception as required by subsection (a).
- c. *Accessory uses and structures.* Accessory uses and structures are permitted within each industrial district, subject to the following:
1. *When accessory use is permitted.* No accessory use is permitted until the primary use to which it is accessory has been established.

2. *When accessory structure is permitted.* No accessory structure is permitted until either construction of the primary structure or the primary use to which it is accessory has commenced.
 3. *Prohibited accessory uses and structures.* Parking structures, stand alone parking and drive-through windows are permitted only as provided in subsection (a) and not otherwise as accessory uses. The storage of sludge or toxic wastes, or both, is prohibited as an accessory use; provided that the temporary storage of sludge or toxic wastes awaiting proper disposal is a permitted accessory use.
- d. *Prohibited primary uses and structures.* The following uses and structures are prohibited as primary uses within each industrial district:
1. *Incinerators.* The establishment or use of an incinerator.
 2. *Manufacture of certain products.* The manufacture of acetylene gas, acid, ammonia, bleaching powder, chlorine, detergent and cleaning preparations made from animal fats, explosives, fireworks, fish meal, nitrogenous tankage, paints, varnish, shellac that requires distillation or heating ingredients, vinegar that is not derived from an agricultural product, phosphates, and turpentine.
 3. *Sludge.* The storage of sludge.
 4. *Toxic wastes.* The disposal or storage of toxic wastes regulated under the federal Toxic Substances Control Act (15 U.S.C. § 2601 *et seq.*), provided that placing toxic wastes for their lawful collection and disposal by a third party is not prohibited.

Sec. 26.3 Independent office and general commercial uses; additional factors when considering special use permits

In evaluating a request for a special use permit for an independent office or general commercial use as that use is described in section 26.2, the board shall consider the following factors in addition to those delineated in section 33.8:

- a. The purpose of the industrial district in which the use is proposed.
- b. The proposed use and its proposed size should be consistent with the intent of the applicable industrial district.
- c. The use proposed should not be located on the lowest floor of any building having direct exterior access to the ground surface in order to allow that floor to be used for industrial purposes.
- d. The gross floor area of each establishment should not exceed three thousand (3,000) square feet.
- e. The aggregate gross floor area of the independent offices or general commercial uses, or both, should not exceed twenty-four thousand (24,000) square feet and should not exceed twenty-five (25) percent of the gross floor area of the building.
- f. Whether the structure or structure expansion will be constructed to the standards required for industrial structures, regardless of its intended use.

(Amended 11-7-84)

Sec. 26.4 Structure height and setback

The maximum structure height and minimum setback for structures exceeding thirty-five (35) feet in height in the industrial districts are as follows:

- a. *Maximum height.* Except as otherwise provided in section 4.10, structures may be erected to a height not to exceed sixty-five (65) feet.

- b. *Minimum setback.* Any structure exceeding thirty-five (35) feet in height shall be set back from any street right-of-way or residential or agricultural district a distance of not less than two (2) feet for each one (1) foot of height in excess of thirty-five (35) feet plus the applicable minimum yard. (Amended 9-9-92)

Sec. 26.5 Minimum yards

The minimum yard requirements in the industrial districts are as follows:

- a. *Adjacent to public streets.* No portion of any structure, excluding signs, shall be located within fifty (50) feet of any public street right-of-way. No portion of any off-street parking or loading space shall be located within ten (10) feet of any public street right-of-way. (Amended 7-10-85; 7-8-92)
- b. *Adjacent to district other than commercial or industrial district.* No portion of any structure, excluding signs, shall be located within fifty (50) feet of any district other than a commercial or industrial district and no portion of any off-street parking space shall be located within thirty (30) feet of any district other than a commercial or industrial district. In the heavy industry (HI) district, no portion of any structure, excluding signs, shall be located within one hundred (100) feet of any district other than a commercial or industrial district and no portion of any off-street parking shall be located within thirty (30) feet of any district other than a commercial or industrial district. (Amended 7- 10-85; 7-8-92)
- c. *Buffer adjacent to district other than commercial or industrial district.* No construction activity, including grading or clearing vegetation (collectively, “disturbance”), shall occur within thirty (30) feet of any district other than a commercial or industrial district except in the following circumstances: (i) adequate landscape screening does not currently exist and disturbance is necessary to install screening that meets or exceeds the screening requirements in section 32.7.9; (ii) an arborist or landscape architect certifies that trees in the buffer are dying, diseased or will constitute a fall hazard and must be removed; (iii) the county engineer determines that disturbance is necessary in order to address an existing drainage problem; or (iv) disturbance will result in improved screening through the use of a berm, a retaining wall or similar physical modification or improvement. When disturbance is allowed under subsection (i), (ii), (iii) or (iv), the developer shall submit an illustration showing the existing screening without disturbance and the screening that would be installed after the disturbance, and disturbance shall be allowed only if the screening installed after the disturbance is equal to or exceeds the screening existing prior to disturbance. (Amended 9-9-92)
- d. *Special exception to disturb buffer abutting district other than a commercial or industrial district.* The board of supervisors may authorize a disturbance in the buffer required to be maintained under subsection (c) by special exception. The board shall consider whether disturbance is necessary or would result in an improved site design, provided that: (i) minimum screening requirements are met; and (ii) existing landscaping in excess of minimum requirements is substantially restored. (Added 7-10-85)

(12-10-80, §§ 26.10, 26.10.1, 26.10.2, 26.10.3; 7-10-85, 7-8-92, 9-9-92; Ord. 09-18(1), 1-14-09, §26.10)

Sec. 26.6 Site development and use

Subject to sections 26.4 and 26.5, each site within an industrial district shall comply with the applicable site development and use requirements in sections 4, 5 and 32.

Section 27

Light Industry – LI

Sec. 27.1 Intent, where permitted

The intent of the light industry (LI) district is to permit industrial and supporting uses that are compatible with, and do not detract from, surrounding districts.

Structures within the light industry (LI) district are encouraged to be constructed to the standards required for industrial structures, regardless of their intended use.

Sec. 27.2 Permitted uses

The uses permitted by right, by special use permit and by special exception in the light industry (LI) district are set forth in “LI” column in the table in section 26.2.

Sec. 27.3 Structure height, yard, setback, development, use

The structure height, yard, setback, development and use standards in sections 26.4, 26.5 and 26.6, and the sections cross-referenced therein, shall apply to all light industry (LI) districts.

Section 28

Heavy Industry – HI

Sec. 28.1 Intent, where permitted

The intent of the heavy industry (HI) district is to permit industrial and supporting uses having the potential, if unregulated, to cause public nuisances and therefore requiring enhanced performance standards and review for their impacts on surrounding lands and the environment.

Structures within the heavy industry (HI) district are encouraged to be constructed to the standards required for industrial structures, regardless of their intended use.

Sec. 28.2 Permitted uses

The uses permitted by right, by special use permit and by special exception in the heavy industry (HI) district are set forth in “HI” column in the table in section 26.2.

Sec. 28.3 Structure height, setback, yard, development, use

The structure height, yard, setback, development, and use standards in sections 26.4, 26.5 and 26.6, and the sections cross-referenced therein, shall apply to all heavy industry (HI) districts.

Section 29

Planned Development – Industrial Park – PD-IP

Sec. 29.1 Intent, where permitted

The intent of the planned development – industrial park (PD-IP) district is to permit a variety of industrial and supporting uses, together with delineated uses that are ancillary thereto, within a planned development that are compatible with and do not detract either from each other or surrounding districts. In establishing a planned development – industrial park (PD-IP) district, the board of supervisors shall designate the category of uses in section 29.2 that will be permitted on each parcel, or part thereof, within the district.

Structures within the planned development – industrial park (PD-IP) district are encouraged to be constructed to the standards required for industrial structures, regardless of their intended use.

Sec. 29.2 Permitted uses

The uses permitted by right, by special use permit and by special exception within those areas designated as Category I or Category II on the application plan applicable to the planned development – industrial park (PD-IP) district are set forth in the “PD-IP Cat. 1” and PD-IP Cat. 2” columns in the table in section 26.2. No separate application for a special use permit shall be required for any special use identified on the approved application plan.

Sec. 29.3 Structure height, setback, yard, development, use

The structure height, yard, setback, development, and use standards in sections 26.4, 26.5 and 26.6, and the sections cross-referenced therein, shall apply to all planned development – industrial park (PD-IP) districts.

(12-10-80; Ord. 98-A(1), 8-5-98; Ord. 99-18(1), 4-14-99)

ORDINANCE NO. 13-18(2)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, AND ARTICLE III, DISTRICT REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article I, General Provisions, and Article III, District Regulations, are hereby amended and reordained as follows:

By Amending:

| | |
|--------------|-----------------------|
| Sec. 3.1 | Definitions |
| Sec. 20.3.1 | By right |
| Sec. 20.3.2 | By special use permit |
| Sec. 20A.6 | Permitted uses |
| Sec. 20B.2 | Permitted uses |
| Sec. 22.2.1 | By right |
| Sec. 22.2.2 | By special use permit |
| Sec. 23.2.1 | By right |
| Sec. 23.2.2 | By special use permit |
| Sec. 24.2.1 | By right |
| Sec. 24.2.2 | By special use permit |
| Sec. 25.2.1 | By right |
| Sec. 25.2.2 | By special use permit |
| Sec. 25A.2.1 | By right |
| Sec. 25A.2.2 | By special use permit |

Chapter 18. Zoning

Article I. General Provisions

Sec. 3.1 Definitions

...

Drive-through Window: An accessory facility designed to provide access to commercial products and/or services for customers remaining in their motor vehicle, provided that this term does not include providing services to customers remaining in their motor vehicle while it is parked in a parking space. (Added 11-7-84)

...

Establishment: A public or private institution or a place of business.

...

Article III. District Regulations

Sec. 20.3.1 By right

The following uses shall be permitted subject to the requirements and limitations of this-chapter:

1. Detached single-family dwellings.
2. Semi-detached and attached single-family dwellings-such as duplexes, triplexes, quadraplexes, townhouses, atrium houses and patio houses provided that density is maintained, and provided further that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall.

3. Multiple-family dwellings.
4. (Repealed 9-2-81)
5. Parks, playgrounds, community centers and noncommercial recreational and cultural facilities such as tennis courts, swimming pools, game rooms, libraries and the like.
6. Water, sewer, energy and communications distribution facilities. (Amended 5-12-93)
7. Public uses (reference 5.1.12). (Amended 11-1-89)
8. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
9. Accessory uses and structures including home occupation, Class A (reference 5.2) and storage buildings.
10. Group homes (reference 5.1.07).
11. Stormwater management facilities shown on an approved final site plan or subdivision plat.(Added 10-9-02)
12. Tier I and Tier II personal wireless service facilities (reference 5.1.40).

(§ 20-20.3.1, 12-10-80; 9-2-81; 11-1-89; 5-12-93; Ord 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04)

Sec. 20.3.2 By special use permit

The following uses shall be permitted by special use permit in the PUD district, subject to the applicable requirements of this chapter and provided that no separate application shall be required for any such use included in the original PUD rezoning petition: (Amended 5-5-10)

1. Day care, child care or nursery facility (reference 5.1.06).
2. Fire, ambulance and rescue squad stations (reference 5.1.09).
3. Rest home, nursing home, convalescent home, orphanage or similar institution (reference 5.1.13).
4. Energy and communications transmission facilities (reference 5.1.12).
5. Home occupation, Class B (reference 5.2).
6. Churches. (Added 9-2-81)
7. Stand alone parking and parking structures (reference 4.12, 5.1.41). (Added 11-7-84; Amended 2-5-03)
8. Tier III personal wireless service facilities (reference 5.1.40). (Added 10-13-04)
9. Farmers' markets (Added 5-5-10)

(§ 20-20.3.2, 12-10-80; 9-2-81; 11-7-84; Ord. 03-18(1), 2-5-03; Ord. 04-18(2), 10-13-04; Ord. 10-18(4), 5-5-10)

Sec. 20A.6 Permitted uses

The following uses shall be permitted in an NMD, subject to the regulations in this section and section 8, the approved application plan and code of development, and the accepted proffers:

- a. *By right uses.* The following uses are permitted by right if the use is expressly identified as a by right use in the code of development or if the use is permitted in a determination by the zoning administrator pursuant to subsection 8.5.5.2(c)(1):

1. Each use allowed by right or by special use permit in any other zoning district, except for those uses allowed only by special use permit delineated in subsections 20A.6(b)(2) and (b)(3); provided that the use is identified in the approved code of development.
 2. Water, sewer, energy and communications distribution facilities.
 3. Accessory uses and buildings including storage buildings.
 4. Home occupation, Class A, where the district includes residential uses.
 5. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
 6. Public uses (reference 5.1.12).
 7. Tourist lodgings, where the district includes residential uses.
 8. Group homes, where the district includes residential uses.
 9. Tier I and Tier II personal wireless service facilities (reference 5.1.40). (Added 10-13-04)
 10. Farmers' markets (reference 5.1.47). (Added 5-5-10)
- b. *By special use permit.* The following uses are permitted by special use permit if the use is expressly identified as use permitted by special use permit in the code of development:
1. Each use allowed by right or by special use permit in any other zoning district.
 2. Drive-through windows.
 3. Outdoor storage, display and/or sales serving or associated with a by right permitted use, if any portion of the use would be visible from a travelway.

(Ord. 03-18(2), 3-19-03; Ord 04-18(2), 10-13-04; Ord. 09-18(9), 10-14-09; Ord. 10-18(4), 5-5-10)

Sec. 20B.2 Permitted uses

The following uses shall be permitted in the DCD, subject to the regulations in this section:

- A. *By right uses; retail and service.* The following retail and service uses are permitted by right:
1. Antique, gift, jewelry, notion and craft shops.
 2. Automobile, truck repair shops excluding body shops.
 3. Barber, beauty shops.
 4. Clothing, apparel and shoe shops.
 5. Commercial recreation establishments including, but not limited to, amusement centers, bowling alleys, pool halls and dance halls.
 6. Convalescent homes (reference 5.1.13).
 7. Convenience stores.
 8. Department stores.
 9. Drug stores, pharmacies.
 10. Factory outlet stores, clothing and fabric.

11. Farmers' markets (reference 5.1.47). (Amended 5-5-10)
12. Feed and seed stores (reference 5.1.22).
13. Financial institutions.
14. Fire extinguisher and security products sales and service.
15. Florists.
16. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
17. Funeral homes.
18. Furniture and home appliances sales and service.
19. Hardware stores.
20. Health spas.
21. Hotels, motels and inns.
22. Indoor athletic facilities.
23. Laboratories, medical or pharmaceutical.
24. Laundries, dry cleaners.
25. Musical instrument sales and repair.
26. New automotive parts sales.
27. Newspaper publishing.
28. Newsstands, magazines, pipe and tobacco shops.
29. Nursing homes (reference 5.1.13).
30. Office and business machines sales and service.
31. Optical goods sales and service.
32. Photographic goods sales and service.
33. Research and development activities, including experimental testing, subject to the performance standards stated in section 4.14 of this chapter.
34. Restaurants.
35. Retail nurseries and greenhouses.
36. Service stations.
37. Sporting goods sales.
38. Tailors and seamstresses.
39. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).

40. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
 41. Tourist lodging.
 42. Visual and audio appliances.
- B. *By right uses; office.* The following office uses are permitted by right:
1. Offices.
 2. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
- C. *By right uses; public and civic.* The following public and civic uses are permitted by right:
1. Churches.
 2. Clubs, lodges (reference 5.1.02).
 3. Conference centers, outdoor auditoriums, public art or kiosks.
 4. Cultural arts centers.
 5. Day care centers (reference 5.1.06).
 6. Water, sewer, energy and communications distribution facilities.
 7. Fire, ambulance and rescue squad stations (reference 5.1.09).
 8. Libraries.
 9. Outdoor performance areas.
 10. Parking structures and stand alone parking structures (reference 4.12 and 5.1.41).
 11. Private schools.
 12. Public uses-(reference 5.1.12).
 13. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
 14. Theaters, live and movie, including multi-screen movie theaters.
- D. *By right uses; residential.* The following residential uses are permitted by right, provided that the first floor of the building in which the residential use exists is designed for and occupied only by a use permitted by subsections 20B.2(A), (B), (C) or (E):
1. Apartments, either as a single-family dwelling or as a multiple-family dwelling.
 2. Attached single-family dwellings such as townhouses.
 3. Boarding houses.
 4. Condominiums.
 5. Group homes (reference 5.1.07).
 6. Tourist lodging within detached single-family dwellings existing on June 4, 2008.

7. Dwellings occupied by the owner or employees of a permitted commercial use, and their families (reference 5.1.21).
- E. *By special use permit.* The following uses are permitted by special use permit:
1. Body shops (reference 5.1.31).
 2. Buildings more than fifty (50) feet or four stories in height, up to seventy (70) feet or six (6) stories in height, provided the increased height allows the provision of a demonstrated public benefit, such as providing affordable housing or parking.
 3. Buildings one story in height.
 4. Car washes.
 5. Compounding of drugs, including biological products, medical and chemical as well as pharmaceutical.
 6. Detached single-family dwelling, provided that there is no other use permitted by subsections 20B.2(A), (B), (C) or (E) on the same lot.
 7. Drive-through windows.
 8. Energy and communications transmission facilities (reference 5.1.12).
 9. Hospitals.
 10. Manufacturing, processing, fabricating, assembling, and distributing products including, but not limited to:
 - Artists' supplies and equipment.
 - Business, office machines and equipment.
 - Cosmetics, including perfumes, perfumed toiletries and perfumed toilet soap.
 - Drafting supplies and equipment.
 - Electrical lighting and wiring equipment.
 - Electrical and electronic equipment and components including radio, telephone, computer, communication equipment, TV receiving sets, phonographs.
 - Food products, such as bakery goods, dairy products, candy, beverages, including bottling plants.
 - Gifts, novelties including pottery, figurines and similar ceramic products.
 - Glass products made of purchased glass.
 - Industrial controls.
 - Jewelry, silverware.
 - Light machinery and machine parts, including electrical household appliances but not including such things as clothes washers, dryers and refrigerators.
 - Musical instruments.
 - Paper products such as die-cut paperboard and cardboard, sanitary paper products, bags and containers.
 - Photographic equipment and supplies including processing and developing plant.

- Rubber, metal stamps.
 - Small electrical parts such as coils, condensers, transformers, crystal holders.
 - Surgical, medical and dental instruments and supplies.
 - Toys, sporting and athletic equipment, except firearms, ammunition or fireworks.
 - Watches, clocks and similar timing devices.
 - Wood cabinets and furniture, upholstery.
11. Publishing, printing, lithography and engraving, including but not limited to newspapers, periodicals and books.
 12. Preparation of printing plates including typesetting, etching and engraving.
 13. Stand-alone parking (reference 4.12).
 14. Storage yards.
 15. Tier III personal wireless service facilities (reference 5.1.40).
 16. Towing and storage of motor vehicles (reference 5.1.32).
 17. Veterinary offices and animal hospitals.

F. *Accessory uses and structures.* Accessory uses and structures are permitted, including but not limited to: (i) home occupations, Class A and Class B (reference 5.2) for primary residential uses; (ii) storage buildings for primary residential and non-residential uses; (iii) outdoor performance areas for primary cultural arts center uses; and (iv) prototype manufacturing for research and development uses.

(Ord. 08-18(3), 6-11-08; Ord. 10-18(4), 5-5-10)

Sec. 22.2.1 By right

The following uses shall be permitted in any C-1 district, subject to the applicable requirements of this chapter. The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit as a use by right, a use not specifically permitted; provided that such use shall be similar to uses permitted by right in general character and more specifically, similar in terms of locational requirements, operational characteristics, visual impact and traffic generation. Appeals from the zoning administrator's decision shall be as generally provided in section 34.

- a. The following retail sales and service establishments:
 1. Antique, gift, jewelry, notion and craft shops.
 2. Clothing, apparel and shoe shops.
 3. Department store.
 4. Drug store, pharmacy.
 5. Florist.
 6. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
 7. Furniture and home appliances (sales and service).
 8. Hardware store.

9. Musical instruments.
 10. Newsstands, magazines, pipe and tobacco shops.
 11. Optical goods.
 12. Photographic goods.
 13. Visual and audio appliances.
 14. Sporting goods.
 15. Retail nurseries and greenhouses.
 16. Farmers' markets (reference 5.1.47). (Added 5-5-10)
 17. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
 18. Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
- b. The following services and public establishments:
1. Administrative, professional offices.
 2. Barber, beauty shops.
 3. Churches, cemeteries.
 4. Clubs, lodges (reference 5.1.02).
 5. Financial institutions.
 6. Fire and rescue squad stations (reference 5.1.09).
 7. Funeral homes.
 8. Health spas.
 9. Indoor theaters.
 10. Laundries, dry cleaners.
 11. Laundromat (provided that an attendant shall be on duty at all hours during operation).
 12. Libraries, museums.
 13. Nurseries, day care centers (reference 5.1.06).
 14. Eating establishments.
 15. Tailor, seamstress.
 16. Automobile service stations (reference 5.1.20).

17. Water, sewer, energy and communications distribution facilities. (Amended 5-2-93)
18. Public uses (reference 5.1.12). (Amended 11-1-9)
19. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
20. Dwellings (reference 5.1.21).
21. Automobile, truck repair shop excluding body shop. (Added 6-3-81; Amended 9-9-92)
22. Temporary nonresidential mobile homes (reference 5.8). (Added 3-5-86)
23. Indoor athletic facilities. (Added 9-15-93)
24. (Repealed 5-5-10)
25. Stormwater management facilities shown on an approved final site plan or subdivision plat. (Added 10-9-02)
26. Tier I and Tier II personal wireless service facilities (reference 5.1.40). (Added 10-13-04)

(§ 20-22.2.1, 12-10-80; 6-3-81; 3-5-86; 9-9-92; 5-2-93; 9-14-93; 10-11-95; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 10-18(4), 5-5-10)

Sec. 22.2.2 By special use permit

The following uses shall be permitted only by special use permit approved by the board of supervisors:

1. Commercial recreation establishments including but not limited to amusement centers, bowling alleys, pool halls and dance halls. (Amended 1-1-83)
2. Energy and communications transmission facilities.
3. Hospitals.
4. Fast food restaurant.
5. Veterinary office and hospital (reference 5.1.11).
6. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential - R-15, in compliance with regulations set forth therein.
7. Hotels, motels and inns.
8. Motor vehicle sales and rental in communities and the urban area as designated in the comprehensive plan. (Added 6-1-83)
9. Stand alone parking and parking structures (reference 4.12, 5.1.41). (Added 11-7-84; Amended 2-5-03)
10. Drive-through windows. (Added 11-7-84; Amended 9-9-92)
11. Uses permitted by right, not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day. Uses permitted by right, not served by public sewer, involving anticipated discharge of sewage other than domestic wastes. (Added 6-14-89)
12. Body shop. (Added 9-9-92)
13. Animal shelter (reference 5.1.11). (Added 6-16-99).

14. Tier III personal wireless service facilities (reference 5.1.40). (Added 10-13-04)

15. Storage/Warehousing/Distribution/Transportation.

(§ 20-22.2.2, 12-10-80; 1-1-83; 6-1-83; 11-7-84; 6-14-89; Ord. 03-18(1), 2-5-03; Ord. 04-18(2), 10-13-04)

Sec. 23.2.1 By right

The following uses shall be permitted in the CO district, subject to the applicable requirements of this chapter:

1. Administrative and business offices.
2. Professional offices, including medical, dental and optical.
3. Financial institutions.
4. Churches, cemeteries.
5. Libraries, museums.
6. Accessory uses and structures incidental to the principal uses provided herein. The aggregate of all accessory uses shall not occupy more than twenty (20) percent of the floor area of the buildings on the site. The following accessory uses shall be permitted:
 - Eating establishments;
 - Newsstands;
 - Establishments for the sale of office supplies and service of office equipment;
 - Data processing services;
 - Central reproduction and mailing services and the like;
 - Ethical pharmacies, laboratories and establishments for the production, fitting and/or sale of optical or prosthetic appliances on sites containing medical, dental or optical offices;
 - (Repealed 3-17-82)
 - Sale/service of goods associated with the principal use such as, but not limited to: musical instruments, musical scores, text books, artist's supplies and dancing shoes and apparel;
(Added 12-3-86)
 - Barber shops; (Added 8-5-09)
 - Beauty shops. (Added 8-5-09)
7. Water, sewer, energy and communications distribution facilities. (Amended 5-12-93)
8. Public uses (reference 5.1.12). (Amended 11-1-89)
9. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
10. Dwellings (reference 5.1.21). (Added 3-17-82)
11. Temporary nonresidential mobile homes (reference 5.8). (Added 3-5-86)
12. Day care, child care or nursery facility (reference 5.1.6). (Added 9-9-92)
13. Stormwater management facilities shown on an approved final site plan or subdivision plat.
(Added 10-9-01)

14. Tier I and Tier II personal wireless service facilities (reference 5.1.40). (Added 10-13-04)
15. Farmers' markets (reference 5.1.47). (Added 5-5-10)
16. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.

(§ 20-23.2.1, 12-10-80; 3-17-82; 3-5-86; 12-3-86; 11-1-89; 9-9-92; 5-12-93; Ord. 01-18(6), 10-9-01 ; Ord. 04-18(2), 10-13-04; Ord. 09-18(6), 8-5-09; Ord. 10-18(4), 5-5-10)

Sec. 23.2.2 By special use permit

The following uses shall be permitted only by special use permit approved by the board of supervisors:

1. Hospitals.
2. Funeral homes.
3. Energy and communications transmission facilities.
4. Stand alone parking and parking structures (reference 4.12, 5.1.41). (Added 11-7-84; Amended 2-5-03)
5. Drive-through windows (Added 11-7-84)
6. School of special instruction. (Added 1-1-87)
7. Clubs, lodges (reference 5.1.2). (Added 1-1-87)
8. Uses permitted by right, not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day. Uses permitted by right, not served by public sewer, involving anticipated discharge of sewage other than domestic wastes. (Added 6-14-89)
9. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential R-15. in compliance with regulations set forth therein. (Added 6-19-91)
10. Hotels, motels and inns (reference 9.0). (Added 6-19-91)
11. Supporting commercial uses (reference 9.0). (Added 6-19-91)
12. Research and development activities including experimental testing. (Added 6-19-91)
13. Laboratories, medical or pharmaceutical. (Added 6-10-92)
14. Indoor athletic facilities. (Added 9-15-93)
15. Tier III personal wireless service facilities (reference 5.1.40). (Added 10-13-04)
16. Storage/Warehousing/Distribution/Transportation.
17. Manufacturing/Processing/Assembly/Fabrication and Recycling.

(§ 20-23.2.2, 12-10-80; 11-7-84; 1-1-87; 6-14-89; 6-19-91; 6-10-92; 9-15-93; Ord. 03-18(1), 2-5-03; Ord. 04-18(2), 10-13-04)

Sec. 24.2.1 By right

The following uses shall be permitted in any HC district, subject to the applicable requirements of this chapter. The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit, as

a use by right, a use not specifically permitted; provided that such use shall be similar to uses permitted by right in general character, and more specifically, similar in terms of locational requirements, operational characteristics, visual impact and traffic generation. Appeals from the zoning administrator's decision shall be as generally provided in section 34.

1. Automobile laundries.
2. Automobile, truck repair shops.
3. Automobile service stations (reference 5.1.20).
4. Building materials sales.
5. Churches, cemeteries.
6. Clubs, lodges (reference 5.1.02).
7. Convenience stores.
8. Educational, technical and trade schools.
9. Factory outlet sales - clothing and fabric.
10. Feed and seed stores (reference 5.1.22).
11. Financial institutions.
12. Fire extinguisher and security products, sales and service.
13. Fire and rescue squad stations (reference 5.1.09).
14. Funeral homes.
15. Furniture stores.
16. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
17. Home and business services such as grounds care, cleaning, exterminators, landscaping and other repair and maintenance services.
18. Hardware.
19. (Repealed 6-3-81)
20. Hotels, motels and inns.
21. Light warehousing.
22. Machinery and equipment sales, service and rental.
23. Mobile home and trailer sales and service.
24. Modular building sales.
25. Motor vehicle sales, service and rental.
26. New automotive parts sales.
27. Newspaper publishing.

28. Administrative, business and professional offices.
29. Office and business machines sales and service.
30. Eating establishment; fast food restaurants.
31. Retail nurseries and greenhouses.
32. Sale of major recreational equipment and vehicles.
33. Wayside stands - vegetables and agricultural produce (reference 5.1.19).
34. Wholesale distribution.
35. Water, sewer, energy and communications distribution facilities. (Amended 5-12-93)
36. Public uses (reference 5.1.12). (Amended 11-1-89)
37. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
38. Indoor theaters.
39. Heating oil sales and distribution (reference 5.1.20).
40. Temporary nonresidential mobile homes (reference 5.8). (Added 3-5-86)
41. Uses permitted by right pursuant to subsection 22.2.1 of section 22.1, commercial, C-1. (Added 6-19-91; Amended 9-9-92)
42. Indoor athletic facilities. (Added 9-15-93)
43. Farmers' market (reference 5.1.47). (Added 10-11-95; Amended 5-5-10)
44. Stormwater management facilities shown on an approved final site plan or subdivision plat. (Added 10-9-02)
45. Tier I and Tier II personal wireless service facilities (reference 5.1.40). (Added 10-13-04)
46. Storage yards. (Added 11-12-08)
47. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
48. Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
49. Storage/Warehousing/Distribution/Transportation; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.

(§ 20-24.2.1, 12-10-80; 6-3-81; 3-5-86; 11-1-89; 6-19-91; 9-9-92; 5-12-93; 9-15-93; 10-11-95; § 18-24.2.1, Ord. 98-A(1), 8-5-98; Ord.02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 08-18(6), 11-12-08; Ord. 10-18(4), 5-5-10)

Sec. 24.2.2 By special use permit

The following uses shall be permitted by special use permit in the HC district:

1. Commercial recreation establishment including but not limited to amusement centers, bowling alleys, pool halls and dance halls. (Amended 1-1-83)
2. Septic tank sales and related service.
3. Livestock sales.
4. Veterinary office and hospital (reference 5.1.11).
5. Drive-in theaters (reference 5.1.08).
6. Energy and communications transmission facilities (reference 5.1.12).
7. Hospitals, nursing homes, convalescent homes (reference 5.1.13).
8. Auction houses.
9. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential - R-15, in compliance with regulations set forth therein.
10. Commercial kennels - indoor only (reference 5.1.11). (Added 1- 1-83)
11. Stand alone parking and parking structures (reference 4.12, 5.1.41). (Added 11-7-84; Amended 2-5-03)
12. Drive-through windows. (Added 11-7-84; Amended 9-9-92)
13. Uses permitted by right, not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day. Uses permitted by right, not served by public sewer, involving anticipated discharge of sewage other than domestic wastes. (Added 6-14-89)
14. Warehouse facilities not permitted under section 24.2.1 (reference 9.0). (Added 6-19-91)
15. Animal shelter (reference 5.1.11). (Added 6-16-99)
16. Tier III personal wireless service facilities (reference 5.1.40). (Added 10-13-04)
17. Body shops. (Added 1-12-11)

(§ 20-24.2.2, 12-10-80; 1-1-83; 11-7-84; 6-14-89; 6-19-91; 9-9-92; § 18-24.2.2, Ord. 98-A(1), 8-5-98; Ord. 99-18(4), 6-16-99; Ord. 03-18(1), 2-5-03; Ord. 04-18(2), 10-13-04; Ord. 08-18(6), 11-12-08; Ord. 11-18(2), 1-12-11)

Sec. 25.2.1 By right

The following uses shall be permitted by right in the PD-SC district:

1. Uses permitted by right in the C-1, CO and HC districts, except for storage yards. Outdoor storage, sales or display shall be permitted only when enclosed by appropriate visual screening. (Amended 11-12-08)
2. Water, sewer, energy and communications distribution facilities. (Amended 5-12-93)
3. Public uses (reference 5.1.12). (Amended 11-1-89)
4. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).

§ 20-25.2.1, 12-10-80; 11-1-89; 5-12-93; § 18-25.2.1, Ord. 98-A(1), 8-5-98; § 18-25.2.1, Ord. 98-A(1), 8-5-98; Ord. 08-18(6), 11-12-08)

Sec. 25.2.2 By special use permit

The following uses shall be permitted by special use permit in the PD-SC district:

1. Commercial recreational establishment included but not limited to amusement centers, bowling alleys, pool halls and dance halls. (Amended 1-1-83)
2. Energy and communications transmission facilities (reference 5.1.12).
3. Parking structures located wholly or partly above grade. (Added 11-7-84)
4. Drive-through windows. (Added 11-7-84; Amended 9-9-92)
5. Veterinary office and hospital (reference 5.1.11). (Added 11- 15-89)
6. Tier III personal wireless service facilities (reference 5.1.40). (Added 10-13-04)
7. Storage yards. (Added 11-12-08)

(§ 20-25.2.2, 12-10-80; 1-1-83; 11-7-84; 11-15-89; 9-9-92; § 18-25.2.2, Ord. 98-A(1), 8-5-98; Ord. 04-18(2), 10-13-04; Ord. 08-18(6), 11-12-08)

Sec. 25A.2.1 By right

The following uses shall be permitted by right in the PD-MC district:

1. Uses permitted by right in the C-1, CO and HC districts, except for storage yards. Outdoor storage, sales or display shall be permitted only when enclosed by appropriate visual screening. (Amended 11-12-08)
2. Water, sewer, energy and communications distribution facilities. (Amended 5-12-93)
3. Public uses (reference 5.1.12). (Amended 11-1-89)
4. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).

(§ 20-25A.2.1, 12-10-80; 11-1-89; 5-12-93; § 18-25A.2.1, Ord. 98-A(1), 8-5-98; Ord. 08-18(6), 11-12-08)