

ALBEMARLE COUNTY CODE

CHAPTER 18

ZONING

SECTION 3

DEFINITIONS

Sections:

3.1 DEFINITIONS

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Abattoir: See Slaughterhouse, custom. (Amended 10-3-01)

Accessory apartment: A separate, independent dwelling unit contained within the structure of and clearly subordinate to a single-family detached dwelling, as distinguished from a duplex or other two-family dwelling. (Added 8-10-94)

Accessory merchandise: Non-agricultural merchandise that is subordinate and customarily incidental to the agricultural products sold at a farm sales use or a farmers' market such as pottery, baskets, canning jars, pumpkin carving kits, wreath making supplies, floral arranging supplies, garden accessories, hand tools for gardening and handmade crafts. For the purposes of this definition, farm machinery and equipment (except hand tools), building materials, furniture, and other similar items are not subordinate merchandise. (Added 5-5-10)

Accessory use, building or structure: A subordinate use, building or structure customarily incidental to and located upon the same lot occupied by the primary use, building, or structure, and located upon land zoned to allow the primary use, building or structure; provided that a subordinate use, building or structure customarily incidental to a primary farm use, building or structure need not be located upon the same lot occupied by the primary farm use, building, or structure. (Amended 10-9-02, 5-5-10)

Administrator (Zoning), The: The official charged with the enforcement of the zoning ordinance pursuant to section 15.2-2286(4) of the Code.

Affordable housing: The term "affordable housing" means safe decent housing where housing costs do not exceed thirty (30) percent of the gross household income. For purposes of this definition, "housing costs" for homeowners are principal, interest, real estate taxes, and homeowner's insurance (PITI), and for tenants are tenant-paid rent and tenant-paid utilities with the maximum allowances for utilities being those adopted by the county's housing office for the Housing and Urban Development housing choice voucher program. For purposes of this chapter, an "affordable unit" is a dwelling unit that meets the definition of affordable housing. (Added 10-3-07)

Agricultural museum: An establishment operated as a repository or collection of curiosities or objects of agricultural interest or significance for public display. (Added 12-2-87)

Agricultural operation: Any operation devoted to the bona fide production of crops, or animals, or fowl, including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity. This term includes aquaculture and plant nurseries. (Added 11-12-14)

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Agricultural operation event: An event conducted at, and subordinate to, an agricultural operation for up to three (3) consecutive days comprised of: (i) agritourism-related events such as tastings not conducted in the daily course of agritourism, farm sales, or the sale of agricultural products or food products; farm-to-table dinners; agricultural festivals; and auctions or livestock shows pertaining to livestock, animals, or other agricultural products not grown or raised at that agricultural operation; (ii) events that promote the sale of agricultural or silvicultural products; (iii) events that promote the sale of food products; (iv) events that are usual and customary at Virginia agricultural operations; and (v) fundraisers and charity events. (Added 11-12-14)

Agricultural products: Any livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silvicultural, or other farm crops. (Added 11-12-14)

Agricultural service occupation: An occupation in which skill and expertise in some agriculturally related field are applied to the service of others engaged in agriculture; provided that sales of goods shall be limited to those incidental to the performing of a service.

Agriculture: An agricultural operation, the keeping of livestock or poultry, or both, regardless of whether the keeping of livestock or poultry qualifies as an agricultural operation. The term includes accessory processing facilities for agricultural products grown or raised solely on the farm on which the agriculture is located, such as fruit packing plants and dairies. The term does not include any processing facilities permitted only by special use permit. (Amended 12-2-87, 5-5-10, 11-12-14)

Agritourism: Any activity carried out at a farm winery, farm brewery, or an agricultural operation, that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions, regardless of whether or not the participant paid to participate in the activity. These rural activities also include, but are not limited to, farm tours, tours of an individual agricultural operation, hayrides, heirloom plant and animal exhibits, crop mazes, and educational programs, workshops, or demonstrations related to agriculture or silviculture. (Added 5-5-10; Amended 11-12-14)

Aircraft, light: Aircraft not exceeding twenty-five thousand (25,000) pounds in gross weight.

Alley: A form of vehicular travelway providing access to the rear and/or side lot line of abutting properties which front along public streets or private roads. An alley is privately owned and maintained, is intended to be used primarily by the owners and occupants of the abutting properties and persons and vehicles providing services to those properties, including emergency services vehicles, and is not intended for through traffic. An alley is neither a “private road” nor an “access easement,” as those terms are defined or used in this chapter and chapter 14. (Added 2-6-02)

Alteration: Any change in the total floor area, use, adaptability or external appearance of an existing structure.

Alternative onsite sewage system: A treatment works approved by the Virginia Department of Health that is not a conventional onsite sewage system and does not result in a point source discharge. (Added 7-11-12)

Amenity: An area of activity designed principally for, and accessible to, persons residing or working within a development. Areas of activity may be either indoors or outdoors, including but not limited to swimming pools and tennis, volleyball and basketball courts. An outdoor area of activity may be a passive or an active area, including but not limited to playgrounds, pedestrian paths through natural areas, courtyards, and paved pedestrian areas for gathering. An indoor area of activity includes, but is not limited to, gyms, weight rooms, indoor swimming pools, indoor

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basketball courts, and other indoor recreational areas. Amenities may be located in required green space and be included in both required green space and amenity calculations. (Added 3-19-03)

Amusement center: Any establishment, business, or location in which there are more than three (3) amusement games/devices. (Added 1-1-83)

Amusement game/device: A mechanical, electrical, or electronic coin- or token-operated machine or device which may be operated by the public for use as a game, entertainment or amusement, including but not limited to such devices as pinball machines, video games or any game utilizing a video tube to reproduce symbolic figures but excluding machines or devices which provide an electronic reading or weight, photograph, lamination or item of merchandise such as blood pressure machines, photo booths, vending machines and the like. Amusement game machines shall also include such devices as pool tables, billiard tables, carom tables, shuffle bowling, and other such devices and gaming tables whether or not the same shall be coin- or token-operated. (Added 1-1-83)

Animal shelter: A facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for prevention of cruelty to animals, animal rescue group, or any other such duly incorporated organization devoted to the welfare, protection, and humane treatment of animals. (Added 6-16-99)

Antenna array: An orderly arrangement of antennas mounted at the same height on a tower or other structure and intended to transmit a signal providing coverage over a specific area for a single provider of personal wireless services. (Added 10-13-04)

Apartment House: A multiple-family dwelling.

Application plan: The graphic depiction of a proposed development containing the information required by section 8.5.1(e) and, within the neighborhood model district, section 20A.4. A plan designated and approved as a general development plan for a neighborhood model district between March 19, 2003 and October 14, 2009 is an application plan for the purposes of this chapter. (Added 3-19-03; Amended 10-14-09)

Assisted living facility: A residential facility licensed by the state department of social services where a level of service is provided by an adult care residence for adults who may have physical or mental impairments and require at least moderate assistance with the activities of daily living. Included in this level of service are individuals who are dependent in behavior pattern (*i.e.*, abusive, aggressive, disruptive) as documented on the uniform assessment instrument. (Added 2-5-03)

Attached: When pertaining to structures, a physical connection to a structure by a structural element or structural feature. (Added 10-3-01)

Automated teller machine (ATM): A machine that acts as a teller for standard banking transactions such as cash withdrawals, deposits, and checking account balances, regardless of where it is located. (Added 2-5-03)

Automobile graveyard: See Junkyard. (Amended 10-3-01)

Avoidance area: An area having significant resources where the initial siting of personal wireless service facilities could result in adverse impacts as follows: (i) any ridge area where a personal wireless service facility would be skylighted; (ii) a parcel within an agricultural and forestal district; (iii) a parcel within a historic district; (iv) any location in which the proposed personal wireless service facility and three (3) or more existing or approved personal wireless service facilities would be within an area comprised of a circle centered anywhere on the ground having a radius of two hundred (200) feet; or (v) any location within two hundred (200) feet of any state scenic highway or by-way. (Added 10-13-04; Amended 4-8-15)

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Basement: A story having part but not more than one-half (1/2) of its height below grade. A basement shall be counted as a story for the purpose of height regulations if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.

Base station. A structure or equipment at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communications between user equipment and a communications network. (Added 4-8-15)

1. ***Services to which the term applies.*** The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. ***Equipment to which the term applies and does not apply.*** The term includes, but is not limited to, radio transceivers, antennas, coaxial, or fiber optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration, including distributed antenna systems and small-cell networks. The term does not include any equipment associated with a tower.
3. ***Structures to which the term applies and does not apply.*** The term includes any structure, other than a tower, that, at the time the relevant application is filed with the county, supports or houses equipment described in paragraphs (1) and (2) of this definition that has been reviewed and approved under section 5.1.40 or the applicable zoning process in effect prior to October 13, 2004. The term does not include: (i) a tower as defined in this section; and (ii) any structure that, at the time the relevant application is filed with the county under section 5.1.40, does not support or house equipment described in paragraphs (1) and (2) of this definition.

Bed and breakfast: A use composed of transient lodging provided within a single family dwelling and/or one or more structures that are accessory to the single family dwelling, having not more than five (5) guest rooms in the aggregate, and which also may include rooms for dining and for meetings for use by transient lodging guests of the bed and breakfast provided that the dining and meeting rooms are accessory to the bed and breakfast use. (Added 6-6-12)

Block: An area shown on an application plan that is typically surrounded by streets and within which land use activities occur. Although blocks usually imply a grid street system, where steep topography exists blocks may exist in non-rectilinear shapes. (Added 3-19-03; Amended 10-14-09)

Board of Supervisors: The governing body of Albemarle County, Virginia.

Boarding house: A use composed of a building arranged or used for lodging for thirty (30) consecutive days or longer, with or without meals, for compensation. (Amended 6-6-12)

Body shop: A facility, other than a private garage, designed or used for the repair, replacement and/or restoration of the body and/or chassis parts of motor vehicles, including collision repairs, in which mechanical repairs are performed only as is incidental and necessary to such body work. (Added 12-7-88)

Borrow area, borrow pit: A location at which soil and other related material is removed from the site for transportation to another site. Removal of soil and other related material as necessary to establish another permitted use upon the same site shall not be considered as the establishment of a borrow area or borrow pit. (Added 7-6-83)

Building: Any structure having a roof supported by columns or walls. (Amended 10-3-01)

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Building code: The term “building code” means the Virginia Uniform Statewide Building Code. (Added 7-1-09)

Building permit: The term “building permit” means a permit issued by the building official under the building code that is subject to the fees stated in Albemarle County Code § 5-201. (Added 7-1-09)

Building, height of: The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if a flat roof; to the deck line of a mansard roof; or the mean height level between the eaves and ridge of a gable, hip or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

Building, main: The principal building or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot.

Camp, boarding: As for day camp except that uses and structures for the lodging of guests shall be permitted in locations appropriate for extensive outdoor recreation.

Camp, day: A lot, tract or parcel of land operated as either a commercial or noncommercial enterprise in which seasonal facilities are provided for all or any of the following: camping, picnicking, boating, fishing, swimming, outdoor games and sports and activities incidental and relating to the foregoing, but not including miniature golf grounds, golf driving ranges, mechanical amusement device, or permanent structures for housing of guests.

Carport: Any space outside a main building and contiguous thereto, wholly or partly covered by a roof, and used for the shelter of motor vehicles. An unenclosed carport is a carport with no side enclosure that is more than eighteen (18) inches in height, exclusive of screens (other than the side of the building to which the carport is contiguous).

Car wash: An establishment for cleaning motor vehicles where the cleaning is performed using equipment, supplies and water provided by the establishment. The use identified in this chapter as “automobile laundry” is a car wash. (Added 10-3-01)

Cellar: (Repealed 10-3-01)

Cemetery: Any land or structure used or intended to be used for the interment of human remains, either by earth burial, entombment in a mausoleum, inurnment in a columbarium, or a combination thereof. The sprinkling of ashes or their burial in a biodegradable container on church grounds, or their placement in a columbarium on church property, is not a cemetery. (Amended 3-21-01)

Central sewerage system: (Repealed 7-11-12)

Central water supply: (Repealed 7-11-12)

Certificate of appropriateness: A decision made by the architectural review board or, on appeal, by the board of supervisors, certifying that a proposed structure and/or site improvements located within the entrance corridor overlay district, as may be modified by terms and conditions of the certificate, are consistent with the applicable design guidelines. (Added 5-12-10)

Certificate of appropriateness, county-wide: A decision made by the architectural review board establishing specific design criteria consistent with applicable design guidelines for a class of structures, sites, improvements, or architectural elements. The decision applies to any structure, site, improvement or architectural element within that class that complies with the specific design criteria. (Added 5-12-10)

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Certificate of occupancy: The term “certificate of occupancy” means a certificate issued by the building official and the zoning administrator after final inspections under the building code and this chapter certifying that a building or structure is in compliance with the building code and this chapter. (Added 7-1-09)

Chapter, this: The term “this chapter” means chapter 18 of the Albemarle County Code, also known as the Albemarle County zoning ordinance, and all applicable proffers, special use permits and their conditions, certificates of appropriateness and their conditions, variances and their conditions, application plans, codes of development, site plans, zoning compliance clearances, waivers, modifications and variations and their conditions, and all other approvals and their conditions authorized by this chapter. (Added 7-1-09)

Club: Any nonprofit organization organized and operated to provide facilities for dining, golf, tennis, swimming and/or other similar activities to its private self-perpetuating membership.

Cluster development: A type of development design that concentrates lots in specific areas, does not exceed the gross density allowed within the zoning district, and allows the remaining land to be used for common open space. (Amended 7-17-85; 10-3-01)

Code of development: The development standards for a neighborhood model district that include, but are not limited to, uses delineated at the block level, densities, maximum building heights, yards or build-to lines, and architectural and landscape treatments. (Added 3-19-03)

Code, the: (Repealed 7-1-09)

Collocation: The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes. (Added 5-8-13; Amended 4-8-15)

Collocation, exempt: A collocation that would not result in a substantial change in the physical dimensions of an eligible support structure. (Added 4-8-15)

Commission, the: The Planning Commission of Albemarle County, Virginia.

Common open space: An open tract or parcel of land not devoted to residential uses or structures but directly related and adjunct to a cluster development or planned development, as herein provided, and owned and/or controlled by the residents of such development. See "Open Space".

Community center: A place, structure, area or facility used for cultural, educational and/or recreational activities, which is open to the public and intended to serve the local community. A community center is different from a neighborhood center, which is a use that is typically accessory to a residential development. (Amended 6-8-05)

Concealment elements of the eligible support structure: Any condition of approval, including any applicable requirement of section 5.1.40 in effect at the time of approval, established and imposed on the personal wireless service facility as a concealment technique and which includes conditions or regulations pertaining to antenna size, color of the structure and all equipment, antenna mounting techniques, including the requirement that antennas be flush mounted, maximum tower diameters at the base and top, limitations on tower height relative to a reference tree, screening by trees including the restrictions on removing trees that are screening the tower, siting towers so that they are not skylighted, requirements as to how cables should be located on a tower, and the size, location, design, and screening for ground based equipment. (Added 4-8-15)

Condominium: Real property, and any incidents thereto or interests therein, lawfully submitted to the Condominium Act (Virginia Code § 55-79.39 *et seq.*) by the recordation of condominium

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instruments pursuant to the provisions of the Condominium Act, and in which the undivided interests in the common elements are vested in the unit owners. (Added 10-3-01)

Congregate care facility: A residential facility for persons who are elderly or of impaired functional ability. Such facilities are characterized by a variety of elements that include common dining, social and recreational features, special safety and convenience features designed for the needs of the elderly, such as emergency call systems, grab bars and handrails, special door hardware, cabinets, appliances, passageways, and doors designed to accommodate wheelchairs. A congregate care facility must provide on an appropriate, regular basis at least two of the following to qualify for the parking standard: meal services, transportation, housekeeping or organized social activities. (Added 2-5-03)

Connection, water or sewer: The provision of water and/or sewerage services to any dwelling unit or commercial or industrial establishment.

Conservation area: An area identified on a plan submitted for approval which contains cultural assets or natural features such as non-tidal wetlands, floodplain, slopes identified in the open space element of the comprehensive plan, or streams and stream buffers, within which only limited disturbance or development is allowed. Uses allowed in conservation areas include, but are not limited to, utilities, greenways, pedestrian paths, streets, and stormwater management facilities, where, in the opinion of the director of engineering, no other location is reasonably available and when these improvements have the least impact possible on the environmental features of the area. (Added 3-19-03)

Convent: An association or community of recluses devoted to a religious life under a superior; a body of monks, friars, or nuns, constituting one local community. Includes also "Monastery." (Added 1-1-87)

Conventional onsite sewage system: A treatment works approved by the Virginia Department of Health consisting of one or more septic tanks with gravity, pumped, or siphoned conveyance to a gravity distributed subsurface drainfield. (Added 7-11-12)

Country store: A store whose primary use is to offer for sale a wide variety of retail merchandise. (Amended 11-12-08)

Country store, class A: A country store located in a historic country store building, and which may include accessory uses including those expressly authorized in section 5.1.45. (Added 11-12-08)

Country store, class B: A country store located in a non-historic country store building, and which may include accessory uses including those expressly authorized in section 5.1.45. (Added 11-12-08)

Country store building, historic: A building whose primary use at any time on or prior to January 1, 1965 was a country store. (Added 11-12-08)

Country store building, non-historic: A building constructed after January 1, 1965 whose primary use at any time after that date was a country store. (Added 11-12-08)

Cover: As used in section 4.12.3, a form-fitted default-free cover specifically designed and manufactured for motor vehicles and which completely shields the body of an inoperable vehicle from view and, in the rural areas (RA) district, can include a tarpaulin or other cover that completely shields the body of an inoperable vehicle from view. (Added 1-1-14)

Craft shop: An establishment wherein hand-made goods are offered for sale.

Critical slopes: See Slopes, critical

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Cul-de-sac: (Repealed 10-3-12, effective 1-1-13)

Cultural arts center: An establishment for the presentation of art, scientific, cultural or historical materials, music, or live theatrical or musical productions, and which may include but are not limited to museums, noncommercial art galleries, arboreta, aquariums, botanical or zoological gardens, auditoriums, and music conservatories. (Added 6-11-08)

Dairy: A commercial establishment for the manufacture and sale of dairy products.

Dam break inundation zone: The term “dam break inundation zone” means the area downstream of a dam that would be inundated or otherwise directly affected by the failure of a dam that has been mapped as provided in Virginia Code § 10.1-606.2. (Added 1-1-14)

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. (Added 4-3-13)

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. (Added 4-3-13)

Day care, child care or nursery facility: See Day care center. (Amended 10-3-01)

Day care center: An establishment operated for the purpose of providing care, protection and guidance to a group of six (6) or more children under the age of thirteen (13) during the absence of a parent or guardian during a part of a day, and includes those establishments commonly known as preschools and nursery schools. The term “day care center” does not include: (1) an establishment licensed and regulated as a summer camp pursuant to Virginia Code § 35.1-1 *et seq.*; (2) a school extended day enrichment program; (3) a school, unless such school is operating a day care center outside of regular classes; and (4) a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services. The uses identified in this chapter as “child care,” “day care,” “nurseries” (for children) and “nursery facilities” are day care centers. (Added 10-3-01)

Detached: When pertaining to structures, the absence of a physical connection to a structure by a structural element or structural feature. (Added 10-3-01)

Development: The term “development,” as used in regulations pertaining to dam break inundation zones, means one or more lots developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more dwelling units, but does not include any lot or lots that will be principally devoted to agricultural production. (Added 1-1-14)

Devoted to the bona fide production of crops, animals, or fowl: As used in the definition of “agricultural operation,” any lot on which the production of one or more agricultural products is a primary use (“agricultural production”) and the agricultural production is engaged in good faith and not merely to enable the lot to be eligible to host events and activities at an agricultural operation as provided in sections 5.1.58, 10.2.1(30), 10.2.2(56), 11.3.1(29), and 11.3.2(10). In determining whether the agricultural production is a primary use and engaged in good faith, the following factors may be considered: (i) whether the lot is subject to use value assessment because it is real estate devoted agriculture, horticulture, or silviculture; (ii) the acreage in agricultural production; (iii) the proportion of the lot’s acreage in agricultural production; (iv) the crops, animals, or fowl being produced; (v) the acreage of the lot and of the site; (vi) the owner’s federal

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tax forms including Form 1040F (Farm Expense and Income), Form 4385 (Farm Rental Income and Expenses), Form 1040E (Cash Rent for Agricultural Land), Form 1040C (Business Profit and Loss), or Form 1120 (Corporate Partnership); (vii) receipts showing gross sales over the most recent three-year period or evidence of the value of agricultural products that would have been sold but for a natural disaster; (viii) the proportion of the owner's total income derived from agricultural production on the site; (ix) evidence of participation in a federal farm subsidy program; (x) evidence of operating under a conservation farm management plan prepared by a professional; (xi) the proportion of capital investment in the site devoted to the production of agricultural products, operating, and labor expenses; (xii) Albemarle County-level United States Department of Agriculture Census of Agriculture data; and (xiii) any other relevant factors. (Added 11-12-14)

Digital source file: The media type and format to which an analog or digital source material is encoded, and the file is used to produce a digital derivative. (Added 12-5-12, effective 4-1-13)

District: Districts as referred to in section 15.2-2280 of the Code.

Dormitory: (Repealed 10-3-01)

Drilling, exploratory: The process of excavation, drilling, boring, or core boring of wells or other holes in the earth, by any process whatever, for purposes of determining the presence of coal, petroleum, natural gas, sand, gravel, ore, or other minerals, other than water, and not including the extraction of any soil, rock or other material except for purposes of analysis. The term exploratory drilling shall be deemed to include all activities appurtenant or accessory thereto, including, without limitation, the construction of access roads and disposition of drilling spoil; but it shall not be deemed to include drilling of holes not more than one hundred twenty-five (125) feet in depth, designed solely to determine the geologic suitability of a site for the construction of structures. (Added 2-10-82)

Drive-in-theater: A theater so laid out that patrons can be accommodated while remaining in their automobiles.

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, Amended 4-3-13)

Driveway: A form of vehicular access from a public street, private road or alley to the interior of a lot or parcel of land. (Added 2-6-02)

Duplex: A two-family dwelling or a series of attached single-family dwellings containing two (2) dwelling units.

Dwelling, multiple-family: A structure arranged or designed to be occupied by more than two (2) families, the structure having more than two (2) dwelling units.

Dwelling, Single-Family: A building containing one (1) dwelling unit.

Dwelling, two-family: A structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

Dwelling unit: A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement: A right to use the land of another in a particular manner and for a particular purpose. (Added 7-20-88; Amended 10-3-01)

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Eating establishment: See Restaurant. (Amended 10-3-01)

Eave: The lower portion of a roof that overhangs the wall.

Eligible support structure: Any tower or base station, provided that it is existing at the time the relevant application is filed with the County. (Added 4-8-15)

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. (Added 4-3-13)

Establishment: A public or private institution or a place of business. (Added 4-3-13)

Existing building: As used in section 5.1.40 and any definitions pertaining to personal wireless service facilities, a building that was lawfully constructed or established and complies with the minimum applicable bulk, height, setback, floor area, and other structure requirements of the district in which the building is located. (Added 5-8-13)

Existing personal wireless service facility or existing facility: (Repealed 4-8-15)

Existing structure: As used in section 5.1.40, a structure, other than a flagpole or an existing tower, that was lawfully constructed or established and complies with the minimum applicable bulk, height, setback, floor area or other structure requirements of the district in which the structure is located. (Added 5-8-13; Amended 4-8-15)

Existing tower or existing base station. As referred to in the definition of “eligible support structure,” a constructed tower or base station that has been reviewed and approved under the applicable zoning process, provided that a tower that has not been reviewed and approved because it was not required to be reviewed when it was built, but was lawfully constructed, is existing for purposes of this definition. (Added 4-8-15)

Facility vehicle: A van, pickup truck, car or other passenger vehicle licensed for street use, intended for daily business use by a contractor in the operation of a contracting business, and stored at the contractor’s yard overnight. Loaders, backhoes, bulldozers, dump trucks and similar construction equipment are not facility vehicles. (Added 2-5-03)

Fall zone: A zone on the surface of the ground that is a circle whose center is the proposed or standing personal wireless service facility or small wind turbine (the “facility or turbine”), where the radius is measured from the outer surface of the facility’s or turbine’s pole or other vertical structure immediately above its foundation, and where the radius is: (i) for facilities, equal to the height of the facility; and (ii) for turbines, equal to the height of the turbine plus a distance of twenty (20) feet. (Added 12-10-09)

Family:

1. An individual; or
2. Two (2) or more persons related by blood, marriage, adoption, or guardianship, and/or not more than two (2) unrelated persons living together as a single housekeeping unit in a dwelling or dwelling unit; or
3. For the purposes of this ordinance the following shall not apply to the R-1, R-2 and R-4 residential districts: a group of not more than six (6) persons not related by blood, marriage, adoption or guardianship living together as a single housekeeping unit in a dwelling or dwelling unit.

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Family day home: A child day program offered in the dwelling unit of the provider or the dwelling unit that is the home of any of the children in care for one (1) through twelve (12) children under the age of thirteen (13), exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. For the purposes of this definition, a child day program is a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of thirteen (13) for less than a twenty-four (24) hour period. (Added 10-3-01; Amended 9-11-13)

Farm: The term "farm" means one or more parcels of land, whether such parcels are abutting or not, operated under the same management and whose primary use is agriculture. (Added 12-13-06)

Farm brewery: An establishment located on one or more lots in Albemarle County licensed as a limited brewery under Virginia Code § 4.1-208. (Added 11-12-14)

Farm brewery event: An event that is not a wedding, a wedding reception, or "other events" as that term is defined in section 5.1.57(c)(5), conducted at a farm brewery on one or more days, where the purpose is agritourism or to promote beer sales, and which may be, but is not limited to, beer festivals; receptions where beer is sold or served; beer club meetings and activities; beer tasting educational seminars; beer tasting luncheons, business meetings, and corporate luncheons with a focus on selling beer; gatherings with the purpose of promoting sales to the trade, such as restaurants, distributors, and local chamber of commerce activities; brewmasters' dinners where beer is paired with food; agritourism promotions; and fundraisers and charity events. (Added 11-12-14; Amended 1-18-17)

Farm distillery: An establishment located on one or more lots in Albemarle County to which a limited distiller's license is issued under Virginia Code § 4.1-206. (Added 12-9-15)

Farm distillery event: An event that is not a wedding, a wedding reception, or "other events" as that term is defined in section 5.1.59(c)(5), conducted at a farm distillery on one or more days, where the purpose is agritourism or to promote the sale of distilled spirits, and which may be, but is not limited to, distilled spirits festivals; receptions where distilled spirits are sold or served; distilled spirits club meetings and activities; distilled spirits tasting educational seminars; distilled spirits tasting luncheons, business meetings, and corporate luncheons with a focus on selling distilled spirits; gatherings with the purpose of promoting sales to the trade, such as restaurants, distributors, and local chamber of commerce activities; distillers' dinners where distilled spirits are paired with food; agritourism promotions; and fundraisers and charity events. (Added 12-9-15; Amended 1-18-17)

Farm sales: The sale of agricultural products, value-added products and accessory merchandise on a farm, either outdoors or within a temporary or permanent structure, where the vendor selling the products and merchandise is engaged in production agriculture on the farm on which the farm sales use is located. (Added 10- 11-95; Amended 5-5-10, 11-12-14)

Farm stand: The sale of local agricultural products and value-added products, either outdoors or within a temporary or permanent structure, where the vendor selling the products is engaged in production agriculture in Albemarle County, but not on the lot on which the farm stand is located. (Added 5-5-10; Amended 11-12-14)

Farm tour: An event organized by two or more agricultural operations or by a third party, to which the public is invited to visit two or more agricultural operations, and which may include educational programs, workshops, or demonstrations related to agriculture or silviculture. (Added 11-12-14)

Farm winery: An establishment located on one or more lots in Albemarle County licensed as a farm winery under Virginia Code § 4.1-207. (Added 12-16- 81; Amended 5-5-10)

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Farm winery event: An event that is not a wedding, a wedding reception, or “other events” as that term is defined in section 5.1.25(c)(5), conducted at a farm winery on one or more days where the purpose is agritourism or to promote wine sales, and which may be, but is not limited to, wine fairs; receptions where wine is sold or served; wine club meetings and activities; wine tasting educational seminars; wine tasting luncheons, business meetings, and corporate luncheons with a focus on selling wines; gatherings with the purpose of promoting sales to the trade, such as restaurants, distributors, and local chamber of commerce activities; winemakers’ dinners where wine is paired with food; agritourism promotions; and fundraisers and charity events. (Added 5-5-10; Amended 11-12-14, 1-18-17)

Farm worker housing, class A: The term “Farm worker housing, Class A” means: (i) structures located on a farm that are designed and arranged to be occupied exclusively by up to ten (10) persons employed to work on the farm on which the structures are located for seasonal agriculture work or up to ten (10) persons including the farm workers and their immediate families; (ii) the number of such structures designed and arranged for sleeping does not exceed two (2); and (iii) no single structure contains all of the following: provisions for sleeping, eating, food preparation, and sanitation (bathing and/or toilets). (Added 12-13-06)

Farm worker housing, class B: The term “Farm worker housing, Class B” means: (i) either structures located on a farm that are designed and arranged to be occupied exclusively by more than ten (10) persons employed to work on the farm on which the structures are located for seasonal agriculture work or more than ten (10) persons including the farm workers and their immediate families, or the number of such structures designed and arranged for sleeping is three (3) or more, regardless of the number of farm workers or their family members who could sleep in such structures; and (ii) no single structure contains all of the following: provisions for sleeping, eating, food preparation, and sanitation (bathing and/or toilets). (Added 12-13-06)

Farmers' market: The sale of agricultural products, value-added products, and accessory merchandise either outdoors or within a temporary or permanent structure by two (2) or more vendors in the rural areas (RA) district or by one or more vendors in any other zoning district where the use is allowed, where each vendor selling the products and merchandise is engaged in production agriculture in Albemarle County regardless of whether it is on or not on the lot on which the farmers’ market is located. (Added 10-11-95; Amended 5-5-10, 11-12-14)

Fast food restaurant: See Restaurant. (Amended 10-3-01)

Fill area or waste area: A location at which soil or inert materials is placed on a site other than the site where the material was excavated or removed. The placement of soil or inert materials as necessary to establish a permitted use on the parcel or development from which it was excavated shall not be considered a fill area or a waste area. (Added 7-3-02)

Floor area, gross: The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls. The term "gross floor area" shall include basements; elevator shafts and stairwells at each story; floor space used for mechanical equipment with structural head room of six (6) feet, six (6) inches or more; penthouses, attic space, whether or not a floor has actually been laid, providing structural head room of six (6) feet, six (6) inches or more; interior balconies; and mezzanines. The gross floor area of structures devoted to bulk storage of materials, including, but not limited to grain elevators and petroleum storage tanks, shall be computed by counting each ten (10) feet of height or fraction thereof, as being equal to one (1) floor.

The term "gross floor area" shall not include cellars or outside balconies which do not exceed a projection of six (6) feet beyond the exterior walls of the building. Parking structures below or above grade and roof top mechanical structures are excluded from gross floor area.

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Floor area, net: The sum of the total horizontal areas of the several floors of all buildings on a lot measured from the interior faces of exterior walls and from the centerline of walls separating two (2) or more buildings. The term "net floor area" shall include outdoor display areas for the sale, rental and display of recreational vehicles, boats and boating equipment, trailers, horticultural items, farm or garden equipment and other similar products, but shall exclude areas designed for permanent uses such as toilets, utility closets, malls enclosed or not, truck tunnels, enclosed parking areas, meters, roof top mechanical structures, mechanical and equipment rooms, public and fire corridors, stairwells, elevators, escalators and areas under a sloping ceiling where the head room in fifty (50) percent of such area is less than six (6) feet, six (6) inches.

Floor area, ratio: Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

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Frontage: The continuous uninterrupted distance along which a parcel abuts a single adjacent road or street. (Amended 7-20-88)

Garage, Private: Accessory building designed or used for the storage of automobiles owned and used by the occupants of the building to which it is accessory.

Garage, public: A building or portion thereof, other than a private garage, designed or used for servicing or repairing motor driven vehicles. (Amended 11-1-89)

General development plan: (Repealed 10-14-09)

Golf courses: Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.

Golf driving range: A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

Governing body: The Board of Supervisors of Albemarle County, Virginia.

Graveyard: See Cemetery.

Green space: An area of land covered in grass or other vegetation or a water feature required by this chapter. Uses in green space may include, but are not limited to, stormwater areas, wooded slopes, graded and revegetated slopes of twenty-five percent (25%) to fifty percent (50%), required yards on both residential and non-residential lots, landscaped areas, landscaped islands in parking lots, and other land covered in vegetation. Where areas for amenities are vegetated, such as in parks and playgrounds, amenities shall be included in required green space calculations. (Added 3-19-03)

Group home: A group home or other residential facility licensed by the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services in which more than eight (8) mentally ill, mentally retarded or developmentally disabled persons reside with one or more resident counselors or other staff persons. For purposes of this definition, the current illegal use of or addiction to a controlled substance as defined in Virginia Code § 54.1-3401 is neither a mental illness nor a developmental disability. A single-family dwelling having eight (8) or less mentally ill, mentally retarded or developmentally disabled persons is a single-family residential use. The use identified in this chapter as “home for developmentally disabled persons” is a group home. (Amended 10-3-01)

Guest room: A room which is intended, arranged or designed to be occupied, or which is occupied by one (1) or more guests paying direct or indirect compensation therefor, but in which no provision is made for cooking.

Heavy equipment: Equipment that requires an oversize/overweight permit from the Virginia Department of Motor Vehicles to be transported over public highways. (Added 11-12-08)

Heavy equipment and heavy vehicle parking and storage yard: An area used for parking, storing and/or maintaining heavy equipment and heavy vehicles used off-site in the trade, business or other commercial or industrial activity of the owner or occupant (collectively, the “off-site activity”), and which may include storing and maintaining heavy equipment and heavy vehicles within buildings or structures and storing explosives, including blasting caps, that are used in the off-site activity, and kerosene and other volatile materials in volumes that are reasonably necessary to maintain equipment and vehicles; but which use does not include storing nuclear products, by-products or wastes. (Added 11-12-08)

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Heavy vehicles: Vehicles that have more than five (5) axles or haul heavy equipment. For the purposes of this definition, the axles of tractor trucks and their trailers shall be counted as though they are a single vehicle. (Added 11-12-08)

Helicopter: A rotorcraft which, for its horizontal motion, depends principally on engine driven rotors.

Heliport: An area of land or water or a structure used or intended to be used for the take-off or landing of a helicopter.

Helistop; Restricted Use Heliport: A heliport without such auxiliary facilities as waiting room, hangar, parking, fueling or maintenance facilities.

Historical center: One or more buildings, structures or facilities designed and/or used for educational and/or interpretative activities related to natural, cultural, or agricultural history which are open to the public and located at or adjacent to a historic resource. For purposes of this definition, a “historic resource” is a district, site, building or structure with architectural, engineering, archaeological, or cultural remains present, which possesses integrity of location, design, setting, materials, workmanship, and association, and which is associated with one or more of the following historical or cultural themes: (i) events that have made a significant contribution to the broad patterns of local, state or national history; (ii) the lives of persons significant in local, state or national history; (iii) the embodiment of distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values; or that represent a significant and distinguishable entity whose components may lack individual distinction; or (iv) yielding information important to prehistory or history. (Added 6-8-05)

Historic district: Any historic district listed in the National Register of Historic Places or the Virginia Landmarks Register. (Added 12-10-09, Amended 12-14-16)

Historic structure or site: Any structure or site listed on the National Register of Historic Places or the Virginia Landmarks Register. (Added 12-10-97)

Hog farm: A place where hogs are kept and raised primarily for sale.

Home for developmentally disabled persons: See Group home. (Amended 10-3-01)

Home garden: An activity accessory to residential usage of a property involving the cultivation of flowers, vegetables, fruit and/or other plants primarily for the consumption or enjoyment of the residents of such property, but expressly excluding the keeping of livestock and/or poultry. (Added 12-2-87)

Home occupation, class A: An occupation, not expressly prohibited by section 5.2, conducted for profit within a dwelling unit solely by one or more members of the family residing within the dwelling unit; provided that nothing herein prohibits the occupation from engaging other persons who work off-site and do not come to the dwelling unit to engage in the occupation. (Amended 8-5-09, 1-12-11)

Home occupation, class B: An occupation, not expressly prohibited by section 5.2, conducted for profit within a dwelling unit solely by one or more members of the family residing within the dwelling unit and up to two (2) additional persons not residing within the dwelling unit, with or without the use of accessory structures; provided that nothing herein prohibits the occupation from engaging other persons who work off-site and do not come to the dwelling unit or to any accessory structure to engage in the occupation. (Amended 8-5-09, 1-12-11)

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Home occupation, major: An occupation, not expressly prohibited by section 5.2A, conducted for profit within a dwelling unit solely by one or more members of the family residing within the dwelling unit and up to two (2) additional persons not residing within the dwelling unit, with or without the use of accessory structures; provided that nothing herein prohibits the occupation from engaging other persons who work off-site and do not come to the dwelling unit or to any accessory structure to engage in the occupation. (Added 1-12-11)

Home occupation, minor: An occupation, not expressly prohibited by section 5.2A, conducted for profit within a dwelling unit solely by one or more members of the family residing within the dwelling unit; provided that nothing herein prohibits the occupation from engaging other persons who work off-site and do not come to the dwelling unit to engage in the occupation. (Added 1-12-11)

Hospital: A building or group of buildings designed, used or intended to be used, for the care of the sick, aged or infirmed, including the care of mental, drug-addiction or alcoholic cases. This terminology shall include, but not be limited to, sanitariums, nursing homes and convalescent homes.

Hotel: A use composed of transient lodging provided within one or more buildings having six (6) or more guest rooms that provides transient lodging. (Amended 6-6-12)

Impounding structure: The term “impounding structure” means a man-made structure, whether a dam across a watercourse or other structure outside a watercourse, used or to be used to retain or store waters or other materials and includes: (i) all dams that are twenty-five (25) feet or greater in height and that create an impoundment capacity of fifteen (15) acre-feet or greater; and (ii) all dams that are six (6) feet or greater in height and that create an impoundment capacity of fifty (50) acre-feet or greater. The term “impounding structure” does not include dams licensed by the State Corporation Commission that are subject to a safety inspection program; dams owned or licensed by the United States government; dams operated primarily for agricultural purposes which are less than twenty-five (25) feet in height or which create a maximum impoundment capacity smaller than one hundred (100) acre-feet; water or silt retaining dams approved pursuant to Virginia Code § 45.1-222 or 45.1-225.1; or obstructions in a canal used to raise or lower water. (Added 1-1-14)

Independent offices: In the industrial districts, offices that are not “industrial offices.” (Added 4-3-13)

Indoor athletic facility: A building or structure in which are conducted recreational, therapeutic or athletic activities, whether or not under instruction, such as but not limited to: tennis and other court games, swimming, aerobics, and weightlifting but excluding such uses as: bowling alley, billiard hall, bingo, miniature golf, amusement center and dance halls. (Added 9-15-93)

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. (Added 4-3-13)

Industrialized building: A combination of one or more sections or modules, subject to state regulation, and including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. For purposes of this definition, a manufactured home is not an industrialized building. The structure and use identified in this chapter as “temporary nonresidential mobile home” is an industrialized building. (Added 10-3-01)

Inert materials: Solid materials that are physically, chemically and biologically stable from further degradation and considered to be nonreactive, including rubble, concrete, bricks, broken

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bricks and blocks, and asphalt pavement. (Added 7-3-02)

Infill: As used in section 4.19, when forty percent (40%) or more, in the aggregate, of the residentially zoned lots fronting on a street are developed within five hundred (500) feet in both directions of the subject lot having less than one hundred twenty (120) feet of frontage on the same street at the time that it is developed, and development of the subject lot begins more than five (5) years after the date: (i) the final subdivision plat that created the lot was recorded in the clerk's office of the circuit court of the county; or (ii) the final site plan depicting the development of the lot was approved by the county. (Added 6-3-15; Amended 3-2-16)

Inoperable motor vehicle: (Added 6-10-87; Repealed 10-3-01)

Inoperable vehicle: Any motor vehicle, trailer or semitrailer, as those vehicles are defined in Virginia Code § 46.2-100, which has one or more of the following characteristics: (i) it is not in operating condition; (ii) it does not display valid license plates if the vehicle is required by State law to display valid license plates; (iii) it does not display an inspection decal if the vehicle is required by State law to display a valid inspection decal; or (iv) it displays an inspection decal that has been expired for more than sixty (60) days. (Repealed 6-10-87; Added 10-3-01; Amended 1-1-14)

Junk: Any scrap, discarded, dismantled or inoperable: vehicles, including parts or machinery thereof; household furniture and appliances; construction equipment and materials; tanks, containers, drums, and the contents thereof; and tires, pipes, wire, wood, paper, metals, rags, glass, plastic, food and related types of waste material. (Added 10-3-01)

Junk yard: Any land or structure used for the abandonment, baling, collection, dismantling, maintenance, recycling, sale, salvaging, storage, or wreckage of junk. (Amended 10-3-01)

Kennel, commercial: A place designed or prepared to house, board, breed, handle or otherwise keep or care for dogs and/or cats for sale or in return for compensation except as an accessory to a single-family dwelling.

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. (Added 4-3-13)

Laboratory, medical: A building or part thereof devoted to bacteriological, biological, x-ray, pathological and similar analytical or diagnostic services to medical doctors or dentists including incidental pharmaceuticals; and production, fitting and/or sale of optical or prosthetic appliances. (Added 6-10-92)

Laboratory, pharmaceutical: A building or part thereof devoted to the testing, analysis and/or compounding of drugs and chemicals for ethical medicine or surgery, not involving sale directly to the public. (Added 6-10-92)

Livestock: Domestic animals normally raised on a farm such as draft horses, cows, swine, goats, sheep.

Local agricultural products: Agricultural products grown or produced in Albemarle County or its abutting localities. (Added 5-5-10)

Lot: A parcel of land either shown on a plat of record or described by metes and bounds or other legal description.

Lot, corner: A lot abutting on two (2) or more streets at their intersection. The front of a corner lot shall be deemed to be the shortest of the sides fronting on streets except where existing development of such lot shall already have defined the front of such lot.

Lot, interior: Any lot other than a corner lot.

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Lot, width of: The average horizontal distance between side lot lines.

Lot of record: The term “lot of record” means a lot shown on a subdivision plat or other lawful plat or legal description which is lawfully recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia. (Amended 6-14-00)

Manufacture or manufacturing: The transformation of materials into an article or a product of substantially different character or use. (Amended 10-3-01)

Manufactured home: A structure subject to federal regulation which is transportable in one or more sections; is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or is three hundred twenty (320) or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The structure and use identified in this chapter as “mobile home” is a manufactured home. (Added 10-3-01)

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. (Added 4-3-13)

Medical center: (Repealed 4-3-13)

Mobile home: (Amended 3-5-86; 11-11-92; Repealed 10-3-01)

Mobile home lot: An area of land for the placement of a single mobile home and for the exclusive use of its occupants.

Mobile home park: One (1) or more contiguous parcels of land in which three (3) or more rental lots are provided for mobile homes. (Amended 3- 5-86)

Mobile home subdivision: A subdivision of land for the purpose of providing lots for sale for mobile homes.

Mobile personal wireless service facility: A portable self-contained personal wireless service facility site that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis. (Added 2-11-15)

Monastery: See "Convent." (Added 1-1-87)

Museum: An establishment devoted to the procurement, care, study and display of objects of lasting value or interest. (Added 10-3-01)

Natural resource extraction: The process by which coal petroleum, natural gas, soil, sand, gravel, ore, or other minerals is removed from any open pit, borings or any other underground workings and produced for sale, exchange or commercial use or otherwise removed from the site, and all shafts, slopes, drifts or inclines leading thereto and including all buildings, structures and equipment above and below the surface of the ground used in connection with such process. Natural resource extraction as defined herein shall not be deemed to include: exploratory activities designed to determine the presence of coal, petroleum, natural gas, soil, sand, gravel, ore, or other minerals, including but not limited to, excavation, drilling, boring or core boring; the drilling or boring of wells for the purpose of obtaining water; nor the removal of soil and other related material as necessary to establish another permitted use upon the same site. (Amended 7-6-83)

Nonconforming lot: The term “nonconforming lot” means a lawful lot of record existing on the effective date of the zoning regulations applicable to the district in which the lot is located, that

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does not comply with section 4 of this chapter and the minimum applicable size, frontage, width, building site or other lot requirements of that zoning district. (Added 6-14-00, Amended 12-2-09)
Nonconforming structure: The term “nonconforming structure” means a lawful structure existing on the effective date of the zoning regulations applicable to the district, including any overlay district, in which the structure is located, that does not comply with the minimum applicable bulk, height, setback, floor area or other structure requirements of that district. (Amended 6-14-00, 5-12-10)

Nonconforming use: The term “nonconforming use” means a lawful principal use of the lot or a Class A, Class B, major or minor home occupation existing on the effective date of the zoning regulations applicable to the district in which the use is located, or a more restricted use, that does not comply with the applicable use regulations of that zoning district. A nonconforming use may have accessory uses, but an accessory use, other than a Class A, Class B, major or minor home occupation, shall not be eligible to be a nonconforming use. A use that is seasonal on the effective date of this chapter shall be eligible to be a nonconforming use. A use that is casual, intermittent, or temporary on the effective date of this chapter shall not be eligible to be a nonconforming use. (Amended 6-14-00, 1-12-11)

Non-tidal wetland: A wetland, other than a tidal wetland, that is inundated or saturated by surface or groundwater at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions as defined by the United States Environmental Protection Agency pursuant to section 404 of the federal Clean Water Act, in 33 C.F.R. § 328.3(b). (Added 3-19-03)

Nursery: See "Day Care, etc."

Nursery school: See "Day Care, etc."

Office: A room or group of rooms used for conducting the affairs of a business, profession, service industry, or government. The uses identified in this chapter as “administrative office” and “professional office” are offices. (Added 10-3-01)

Off-street parking area: Space provided for vehicular parking outside of any public street right-of-way.

Onsite sewage system: A conventional onsite sewage system or an alternative onsite sewage system. (Added 7-11-12)

Open space: Land or water left in undisturbed natural condition and unoccupied by building lots, structures, streets, or parking lots except as otherwise specifically provided in section 4.7.

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. (Added 4-3-13)

Outdoor amphitheater: A permanent structure, whether open or enclosed, including a stage and tiered and/or sloped seating. (Added 10-9-96)

Outdoor performance area: A place of open-air (outdoor) assembly, consisting of a central space or stage for performances, which may be open to the sky or partially covered or enclosed. (Added 6-11-08)

Owner: The owner or owners of the fee simple interest of real property. (Added 12-5-12, effective 4-1-13)

Parapet: That part of a wall entirely above the roof.

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Parking structure: A multi-storied structure located wholly or partly above grade and designed for the purpose of garaging vehicles. A parking structure may be incorporated into one or more structures containing commercial or residential uses. (Added 2-5-03)

Patio house, atrium house: A single-family dwelling having an open, landscaped courtyard partially or completely surrounded by living areas, which courtyard provides the main source of light and air for such dwelling.

Personal service shop: Shops and offices whose primary business relies on customers coming and going on a regular basis including, but not limited to, offices for some doctors, chiropractors and massage therapists, and barber/beauty shops, shoe repair shops, and dry cleaners. (Added 2-5-03)

Personal wireless service facility: A facility for the provision of personal wireless services, which may be composed of antennas, cables, wiring, supporting brackets and other structural equipment, grounding rods, transmission equipment, one or more ground equipment shelters, and a self-supporting monopole or tower. (Added 10-17-01; Amended 10-13-04, 6-1-11, 5-8-13)

Personal wireless services: Commercial mobile services, unlicensed wireless services, common carrier wireless exchange access services, as those services are defined by federal law and, for the purposes of this chapter, unlicensed wireless broadband internet access services. (Added 5-8-13)

Poultry: Domestic fowl normally raised on a farm such as chickens, ducks, geese, turkeys, peafowl, guinea fowl, pigeons.

Preservation area: An area identified on a plan submitted for approval which contains natural features such as non-tidal wetlands, floodplain, streams and stream buffers that are to be preserved in a natural state and not be developed with any manmade feature. (Added 3-19-03)

Private Road. Any road, street, or other way or means of vehicular access to a lot that is not maintained by the Virginia Department of Transportation, regardless of ownership, approved as a private road pursuant to Albemarle County Code §§ 14-232 through 14-235 or any prior ordinance regulating the subdivision of land. Any road identified on a recorded plat as a restricted road, access road or other designation which was not approved by the county as a private road pursuant to chapter 14 or any prior ordinance of the county regulating the subdivision of land is not a private road as defined herein. (Added 2-6-02)

Private School: An institution of instruction not established and maintained at public expense, including colleges and universities, and those institutions providing art, culinary, cultural, drama, music, technical or vocational education or training. The uses identified in this chapter as “school of special instruction” and “technical and trade school” are private schools, except that in any zoning district where a private school is permitted by right, and a technical and trade school is permitted only by special use permit, those uses shall be separate. (Amended 10-3-01)

Production agriculture or production silviculture: The bona fide production or harvesting of agricultural or silvicultural products but shall not include the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge. (Added 11-12-14)

Professional office: See Office. (Amended 10-3-01)

Proffer: A written condition offered by the owner of land who has applied for a zoning map amendment that imposes a regulation or requirement that is in addition to the regulations otherwise applicable to the land under this chapter. (Added 10-3-01; Amended 7-11-07)

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Program authority: The department of engineering and public works, including any officer or employee of the department authorized by the county engineer to act pursuant to Chapter 17 of the Code of Albemarle. (Added 7-3-02)

Public sewerage system: Any sewerage system consisting of pipelines or conduits, pumping stations, force mains or sewerage treatment plants, or any of them, operated by, for, or under the authority of the Albemarle County Service Authority and/or the Rivanna Water and Sewer Authority.

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). (Added 4-3-13)

Public utility: Any plant or equipment for the conveyance of telephone messages or for the production, transmission, delivery or furnishing of heat, chilled air, chilled water, light, power or water, or sewerage facilities, either directly or indirectly, to or for the public.

Public water supply: A water supply consisting of a well, springs or other source and the necessary pipes, conduits, mains, pumping stations and other facilities in connection therewith, operated by, for, or under the authority of the Albemarle County Service Authority and/or the Rivanna Water and Sewer Authority.

Recommendations: As used in section 32, suggestions for design change as may be deemed in the public interest by site review committee members in the area of their respective expertise or by the architectural review board. (Added 10-3-12, effective 1-1-13)

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. (Added 4-3-13)

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. (Added 4-3-13)

Reference tree: A tree designated for determining the top height of a treetop facility's monopole mounting structure. This may either be the tallest tree within twenty five (25) feet of the proposed monopole or a shorter tree that has been strategically identified for screening and camouflaging purposes. (Added 10-13-04)

Replacement: As used in section 5.1.40 and any definitions pertaining to personal wireless service facilities, the replacement of transmission equipment of the same or lesser size in the same location as the equipment being replaced on an eligible support structure. (Added 5-8-13; Amended 4-8-15)

Replacement, exempt. A replacement that would not result in a substantial change in the physical dimensions of the eligible support structure. (Added 4-8-15)

Requirements: As used in section 32, the regulatory provisions of this chapter, including all applicable proffers, special use permits and conditions thereof, special exceptions and conditions thereof, variances and conditions thereof, application plans, codes of development and other applicable laws, and the rules, regulations and design guidelines identified by the architectural review board as being required to be satisfied in order to obtain a certificate of appropriateness. (Added 10-3-12, effective 1-1-13)

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Research and development: A facility primarily used for the administration and conduct of investigation, examination, prototype production, experimentation, testing, and/or training aimed at the discovery and interpretation of facts, theories, and/or the practical application of the above to products or processes. (Added 6-11-08)

Residential area (gross): The total area of land and water within a residential development.

Residential area (net): That area of land and water within a development designed for residential purposes and unoccupied by streets, open space or parking areas, provided that individual private driveways accessory to residential uses shall not be considered streets or parking areas.

Residential density (gross): The total number of dwelling units within a development divided by the gross residential area and expressed in dwelling units per acre.

Residential density (net): The total number of dwelling units within a development divided by the net residential area and expressed in dwelling units per acre.

Restaurant: An establishment wherein, for compensation, meals or beverages are served for consumption on or off the premises. The term “restaurant” includes, but is not limited to, those establishments commonly known as restaurants, fast food restaurants, coffee shops, cafeterias, cafes, lunchrooms, luncheonettes, hotel dining rooms, dinner theaters, taverns, and soda fountains. The term “restaurant” does not include a snack bar or refreshment stand at a public or nonprofit recreation facility, operated solely by the operator of the facility for the convenience of its patrons. Dancing by patrons shall be considered as entertainment accessory to a restaurant, provided the space available for such dancing shall not be more than one-eighth (1/8) of that part of the floor area available for dining. Provisions for dancing made available under this definition shall be subject to the permit requirements of Chapter 12 of the Code of Albemarle. The uses identified in this chapter as “eating establishment” and “fast food restaurant” are restaurants. (Amended 10-3-01)

Retail sales area: That portion of the net floor area of a commercial use devoted to the display and/or sale of merchandise to the public. Storage of inventory, offices, and other such areas not devoted to the sale and/or display of merchandise shall not be considered as retail sales area. (Added 7-20-88)

Retail stores and shops: Buildings for display and sale of merchandise at retail or for the rendering of personal services such as the following, which will serve as illustration only and are not to be considered exclusive: drug store, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barber shop and beauty shop.

Ridge area: All land within one hundred (100) vertical feet of, and including, the ridgeline and peaks of a mountain or chain of mountains, as identified on a ridge area map approved by the board of supervisors. (Added 10-13-04)

Ridgeline: The uppermost line created by connecting the peaks of a mountain or chain of mountains, and from which land declines in elevation on at least two (2) sides, as identified on a ridge area map approved by the board of supervisors. (Added 10-13-04)

Road: See Street.

Roof, fake mansard: A roof constructed in the fashion of a mansard roof, any portion of which extends below the intersection of the wall face and roof decking.

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Roof, mansard: A roof having two (2) slopes on all sides with the lower portion having a steeper slope than the upper portion. This definition shall apply to any roof having a flat upper portion and sloped sides.

Sanitary landfill: A place for the disposal of solid wastes approved in accordance with the regulations of the State Board of Health.

Sawmill, permanent: A sawmill permanently located for the purpose of processing timber without regard to point of origination.

Sawmill, temporary: A portable sawmill located on private property for the processing of timber cut only from that property or from property immediately contiguous and adjacent thereto, or incidental processing of timber transported from other property.

School of special instruction: (Repealed 10-3-01)

Seasonal agriculture work: The term “seasonal agriculture work” means work by a person employed to work on a farm to perform either field work related to planting, cultivating, work related to keeping livestock and/or poultry, or harvesting operations, or work related to canning, packing, ginning, seed conditioning or related agriculture operations, and the work pertains to or is of the kind exclusively performed at certain seasons or periods of the year and which, from its nature, may not be continuous or carried on throughout the year. A person who moves from one seasonal activity to another while employed by the farm to perform agriculture work is engaged in seasonal agriculture work even though he or she may continue to be employed by the farm throughout the year. (Added 12-13-06)

Service industry: A business where multiple employees perform their work primarily through telephones and computers, in large communal areas or in small cubicles, rather than in individual offices. (Added 2-5-03)

Service station: An establishment where gasoline or diesel fuel is stored, housed and sold for supply to motor vehicles, and may include accessory motor vehicle servicing within the principal building. The use identified in this chapter as “automobile service station” is a service station. (Added 10-3-01)

Setback: The distance by which any building or structure is separated from any street, road or access easement, or lot line. (Amended 7-1-81, 6-3-15)

Shared driveway. A form of vehicular access to only two lots which have frontage on a public street or an approved private road and which are authorized pursuant to Albemarle County Code § 14-241. (Added 2-6-02)

Shielded or screened from view: As used in section 4.12.3, the inoperable vehicle is not visible by someone standing at ground level from any vantage point outside of the parcel on which the inoperable vehicle is located because of one or more of the following: (i) distance, terrain, or one or more buildings between the inoperable vehicle and the parcel boundary; (ii) evergreen vegetation; (iii) an opaque masonry wall; (iv) a wood fence of stockade, board and batten, panel or similar type design; or (v) any combination of the foregoing. (Added 1-1-14)

Shopping center: For purposes of section 4.12, one or more buildings containing a minimum of ten thousand (10,000) square feet of gross leasable area and eight (8) or more retail stores, personal service shops or restaurants under the same management or association for the purpose of providing property management, parking, site coverage, advertising, promotion and other similar benefits. In addition, the building or buildings shall have one or more of the following characteristics: (1) the stores, personal service shops or restaurants are connected by party walls, partitions, canopies or similar features; or, (2) some or all of the stores, personal service shops or restaurants are located in separate buildings that are designed as a single commercial group sharing common parking areas and vehicular travelways and are connected by walkways and

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accessways designed to encourage customer interchange between the buildings and otherwise present the appearance of a continuous commercial area without regard to ownership. Any site within a group of uses or separate parcel involving the sale of gasoline shall be excluded from this definition of shopping center. (Added 2-5-03)

Sign: (Repealed 7-8-92)

Sign, area of: (Repealed 7-8-92)

Sign, auction: (Repealed 7-8-92)

Sign, business: (Repealed 7-8-92)

Sign, directional: (Repealed 7-8-92)

Sign, free-standing: (Repealed 7-8-92)

Sign, general outdoor advertising: (Repealed 7-8-92)

Sign, home occupation: (Repealed 7-8-92)

Sign, hunting, fishing or trespassing: (Repealed 7-8-92)

Sign, identification: (Repealed 7-8-92)

Sign, illuminated: (Repealed 7-8-92)

Sign, location: (Repealed 7-8-92)

Sign, political: (Repealed 7-8-92)

Sign, projecting: (Repealed 7-8-92)

Sign, public: (Repealed 7-8-92)

Sign, roof: (Repealed 7-8-92)

Sign, sale or rental: (Repealed 7-8-92)

Sign, subdivision: (Repealed 7-8-92)

Sign, temporary directional: (Repealed 7-8-92)

Sign, temporary event: (Repealed 7-8-92)

Sign, wall: (Repealed 7-8-92)

Sign(s): Reference section 4.15. (Added 7-8-92)

Site: The term “site” means one or more lots, or any part thereof, including one or more lots shown on a subdivision plat, site plan, or application plan. References in this chapter to “premises,” “land,” “lands,” “lots” or “parcels” are to a site. (Added 7-1-09)

Site plan: A plan satisfying the requirements of section 32 of this chapter that delineates the overall scheme of development of one or more lots including, but not limited to, grading, engineering design, construction details and survey data for existing and proposed improvements. The document identified in this chapter as a site development plan is a site plan. (Added 10-3-01)

Skylight: Locating a personal wireless service facility in such a way that the sky is the backdrop of any portion of the facility. Skylight has the same meaning as “skylining,” as that term is used in the wireless policy. (Added 10-13-04)

Slaughterhouse, custom: An establishment for the slaughter of livestock from which no meat or other product of the slaughter is sold other than materials generally considered inedible for humans generated as waste or by-products of the slaughter including, but not limited to, blood, bones, viscera, and hides that may be sold for purposes of removal from the site. The use identified in this chapter as “abattoir” is a custom slaughterhouse. (Amended 10-3-01)

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Slopes, critical: Slopes, other than managed or preserved slopes, of twenty-five (25) percent or greater as determined by reference to either current topographic mapping available from the county or a more accurate field survey certified by a professional surveyor or engineer. Slopes of twenty-five (25) percent or greater which are lawfully created within a development that was approved by the county shall not be considered critical slopes. (Added 7-11-12; Amended 3-5-14)

Slopes, managed: Slopes of twenty-five (25) percent or greater depicted as a managed slope on the map entitled “Steep Slopes Overlay District,” adopted by the board of supervisors on March 5, 2014. (Added 3-5-14)

Slopes, preserved: Slopes of twenty-five (25) percent or greater depicted as a preserved slope on the map entitled “Steep Slopes Overlay District,” adopted by the board of supervisors on March 5, 2014. (Added 3-5-14)

Slopes, steep. Steep slopes are referred to as critical slopes on lands outside of the steep slopes overlay district and are referred to as either managed or preserved slopes within the steep slopes overlay district. (Added 3-5-14)

Small wind turbine: A wind energy conversion system used for the generation of power to support an authorized use on the property and all components of the system including, but not limited to, the tower, guy wires, wiring, rotors and turbine blades, generators and control systems. (Added 12-10-09)

Special event: An event authorized by section 10.2.2(50) that is typically conducted on a single day, but which may be conducted for up to three (3) consecutive days, for which attendance is permitted only by invitation or reservation; *special events* include, but are not limited to, meetings, conferences, banquets, dinners, weddings and private parties. (Added 7-13-05)

Special exception: An exception to the general regulations in any particular district pertaining to the size, height, area, bulk or location of structures or the areas and dimensions of land, water, and air space to be occupied by buildings, structures, and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, that is not permitted in any particular district except by a special exception granted under this chapter. (Added 12-5-12, effective 4-1-13)

Special lot: The term “special lot” means a lot created to be used exclusively for public or private streets, railroad rights-of-way and railroad lines, public utilities, publicly owned or operated public facilities, publicly owned or operated parks, publicly or privately owned sites for personal wireless service facilities, central water supplies and central sewerage systems as those terms are defined in chapter 16, stormwater management facilities, cemeteries existing on June 8, 2011, conservation areas, preservation areas, open space, and greenways. (Added 6-1-11)

Special use permit: A permit for a special use that is not permitted in a particular district except by a special use permit granted under this chapter. (Added 12-5-12, effective 4-1-13)

Specimen tree: A tree in a mature form that approaches the optimum form and density characteristics for the particular species and variety. (Added 3-19-03)

Spring water: Water derived at the surface from an underground formation which flows to the surface through natural cracks and fissures under natural pressure. (Added 6-10-92)

Stable, Commercial: A building, group of buildings, or use of land, or any combination thereof, where, for compensation, whether monetary or goods, provision is made for horses or ponies for hire or instruction in riding. (Amended 11-15-95)

Stacking: An area for temporary queuing of vehicles while awaiting entry for service. (Added 2-5-03)

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Stand alone parking: A parking area, including a parking structure, located on a lot other than the lot on which the use served by the parking area is located, that is the primary use for that lot. (Added 2-5-03)

Stepback: A building setback of a specified distance that occurs at a prescribed number of stories or feet above the ground. (Added 6-11-08)

Storage yard: An area used for parking, storing and/or maintaining equipment, vehicles and materials used off-site in the trade, business or other commercial or industrial activity of the owner or occupant, and which may include storing and maintaining equipment, vehicles and materials within buildings or structures; but which use does not include parking, storing and/or maintaining heavy equipment and heavy vehicles, storing explosives, including blasting caps, storing nuclear products, by-products or wastes, or storing kerosene or other volatile materials except that which is reasonably necessary to maintain equipment and vehicles. (Added 11-12-08)

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. (Added 4-3-13)

Story: That portion of a building, having more than one-half (1/2) of its height above grade, included between the surface of any floor and the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it. (Amended 6-11-08)

Story, half: A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use.

Street: A public or private thoroughfare which affords access to abutting property.

Street line: The dividing line between a street or road right-of-way and the contiguous property.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, etc. For the purpose of the determination of setback, signs shall be excluded as a structure. (Amended 7-8-92)

Student suites: Units with a common living, dining and kitchen area shared by individuals occupying leased or rented bedrooms having their own private bathrooms, and located in multi-unit residential buildings. (Added 2-5-03)

Submit. To pay the applicable required fee and to have an application or other required document marked by the county as “received.” (Added 10-3-12, effective 1-1-13)

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. (Added 4-3-13)

Substantial change: A modification to an eligible support structure that meets one or more of the following criteria: (Added 4-8-15)

1. *Increase in height.* For towers other than towers in the public rights-of-way, the modification increases the height of the tower by more than ten percent (10%) or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, the modification

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increases the height of the structure by more than ten percent (10%) or more than ten (10) feet, whichever is greater. Changes in height shall be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to February 22, 2012.

2. *Increase in width.* For towers other than towers in the public rights-of-way, the modification involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, the modification involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet.
3. *Excessive equipment cabinets.* For any eligible support structure, the modification involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or, for towers in the public rights-of-way and base stations, the modification involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure.
4. *Expands tower site.* The modification entails any excavation or deployment outside the current site.
5. *Defeats concealment elements.* The modification would defeat the concealment elements of the eligible support structure.
6. *Does not comply with conditions of approval.* The modification does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in paragraphs (1) through (4) of this definition.

Substantial impact: An impact that may arise from an event or activity at a farm winery, farm brewery, farm distillery, or agricultural operation that has a significant adverse effect on: (i) an abutting lot or the neighborhood, including an impact on any owner, occupant, or agricultural or silvicultural activity; or (ii) any rural road, natural resource, cultural resource, or historical resource. A substantial impact may result from a wide variety of factors including, but not limited to, the generation of traffic, noise, dust, artificial outdoor light, trash, stormwater runoff, and excessive soil compaction; the failure to provide adequate traffic controls and sanitation facilities; the cumulative effects of large numbers of events and activities occurring simultaneously, particularly when they are in close proximity to one another or require travel on the same rural roads; and events and activities that are incompatible with existing production agriculture. (Added 11-12-14)

Subsurface drainfield: A system installed within the soil and designed to accommodate treated sewage from a treatment works. (Added 7-11-12)

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. (Added 4-3-13)

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Temporary construction headquarters: A building or structure used for the on-site management or oversight of construction or development activity for the duration authorized in section 5.1.18(a). (Added 7-1-09)

Temporary construction yard: An area used for the on-site storage of construction or development materials, supplies, equipment, and tools, and the on-site stockpiling and recycling of useable construction materials and other items, for the duration authorized in section 5.1.18(b). (Added 7-1-09)

Theater, outdoor drama: An establishment whether operated for profit or not, providing live performance recreations of events of historic significance to and having actually occurred within the locality or immediately adjacent localities. (Added 6-10-92)

Tier I personal wireless service facility or Tier I facility: A personal wireless service facility that: (i) is located entirely within an existing building but which may include a self-contained ground equipment shelter not exceeding one hundred fifty (150) square feet that is not within the building or a whip antenna that satisfies the requirements of subsection 5.1.40(b)(1)(d); (ii) consists of one or more antennas, other than a microwave dish, attached to an existing structure, together with associated personal wireless service equipment; (iii) is located within or camouflaged by an addition to an existing structure determined by the agent to be in character with the structure and the surrounding district; or (iv) is the replacement of a wooden monopole with a metal monopole that does not exceed the maximum dimensions permitted under subsection 5.1.40(b)(9). (Added 10-13-04; Amended 5-8-13, 4-8-15)

Tier II personal wireless service facility or Tier II facility: A personal wireless service facility that is a treetop facility not located within an avoidance area. (Added 10-13-04)

Tier III personal wireless service facility or Tier III facility: A personal wireless service facility that is neither a Tier I nor a Tier II facility, including a facility that was not approved by the commission or the board of supervisors as a Tier II facility. (Added 10-13-04)

Tourist lodging: A use composed of transient lodging provided within a single family dwelling having not more than five (5) guest rooms, where the single family dwelling is actually used as such and the guest rooms are secondary to the single-family use, whether or not the guest rooms are used in conjunction with other portions of the dwelling. (Amended 6-6-12)

Tower: As referred to in the definition of “eligible support structure” and “existing tower or base station,” any structure built for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated tower site. (Added 4-8-15)

Tower site: As referred to in the definitions of “substantial change” and “tower” and as used in section 5.1.40, for towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. (Added 4-8-15)

Townhouse: One of a series of attached single-family dwelling units, under single or multiple ownership, separated from one another by continuous vertical walls without openings from basement floor to roof.

Transient lodging: Lodging in which guest rooms are occupied for less than thirty (30) consecutive days. (Added 6-6-12)

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Transmission equipment. As used in section 5.1.40, equipment that facilitates transmission for any Federal Communications Commission licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services, including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul. (Added 4-8-15)

Transmission line, gas or oil: The term “gas or oil transmission line” means: (1) a pipeline that conveys gas or oil for the purpose of supplying gas or oil to a system including, but not limited to, the pipelines owned and operated by the City of Charlottesville extending from the Columbia Gas Transmission System at the Buck Mountain Gate Station to the City of Charlottesville’s Route 29 Substation; or (2) a pipeline that conveys gas or oil, any portion of which is within the rural areas (RA) zoning district or within a public right-of-way abutting such district, serving as a common source of supply directly from a system station or substation to: (i) two or more distribution lines within the County of Albemarle, the City of Charlottesville, or the Town of Scottsville; or (ii) one or more distribution lines located within a county abutting the County of Albemarle. For purposes of this definition, the term “distribution line” means a pipeline other than a transmission line serving as a common source of supply directly from a transmission line to a service line, or a pipeline that serves as a service line. For purposes of this definition, the term “service line” means a pipeline other than a transmission line that distributes gas or oil from a common source of supply to an individual customer, to two adjacent or adjoining residential or small commercial customers, or to multiple residential or small commercial customers served through a meter header or manifold, and which ends at the outlet of the customer meter or at the connection to a customer’s piping, whichever is further downstream, or at the connection to customer piping if there is no meter. Any nonconforming transmission lines existing on February 2, 2005 shall be deemed to be distribution lines for the purpose of repair, reconstruction or replacement but not for extension or enlargement. (Added 4-19-00; Amended 2-2-05)

Travel trailer: A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use; with the manufacturer's permanent identification "Travel Trailer" thereon; and when factory equipped for the road, being of any length provided its gross weight does not exceed four thousand five hundred (4,500) pounds, or being of any weight provided its overall length does not exceed twenty-nine (29) feet. For the purpose of this ordinance, a travel trailer shall not be deemed a mobile home.

Treatment works: Any device or system used in the storage, treatment, disposal or reclamation of sewage or combinations of sewage and industrial wastes, including but not limited to pumping, power and other equipment and appurtenances, septic tanks, and any works, including land, that are or will be: (i) an integral part of the treatment process; or (ii) used for ultimate disposal of residues or effluents resulting from such treatment. (Added 7-11-12)

Treetop facility: A personal wireless service facility consisting of a self-supporting monopole having a single shaft of wood, metal or concrete no more than ten (10) feet taller than the crown of the tallest tree within twenty-five (25) feet of the monopole, measured above sea level (ASL), and includes associated antennas, mounting structures, an equipment cabinet and other essential personal wireless service equipment. (Added 10-13-04)

Triplex, quadruplex: A multiple-family dwelling or series of attached single-family dwellings containing in either case three (3) or four (4) dwelling units, respectively.

Turnaround: An area for vehicles to reverse movement at the end of a street or travelway. (Added 10-3-12, effective 1-1-13)

Use: The purpose for which any land, water, or structure is devoted or occupied, or any activity performed on land, water or in a structure. (Added 10-3-01)

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Usual and customary use, event or activity: A use, event, or activity at a farm winery, farm brewery, farm distillery, or agricultural operation that is both ordinary and commonly practiced or engaged in at farm wineries, farm breweries, farm distilleries, or agricultural operations, as applicable, within the Commonwealth, as determined by objective evidence. (Added 11-12-14)

Value-added products: Raw agricultural products that have been altered to enhance their value through baking, bottling, canning, carving, churning, cleaning, drying, freezing, weaving, or other similar processes. (Added 5-5-10)

Variance: A reasonable deviation from those provisions regulating the shape, size or area of a lot, or the size, height, area, bulk or location of a structure when the strict application of this chapter would unreasonably restrict the utilization of the property, and the need for the variance would not be shared generally by other lots, and provided that the variance is not contrary to the purpose of this chapter, provided that a variance shall not include a change in use. (Added 10-3-01; Amended 7-8-15)

Virginia Code: The term “Virginia Code” means the Code of Virginia, 1950, as amended, including the latest edition or supplement unless otherwise indicated. References in this chapter to the “Code of Virginia” and the “Code” are to the Virginia Code. (Added 7-1-09)

Warehousing, light: Storage establishments designed to accommodate primarily individual households, not intended for use by heavy commercial users and not involving frequent heavy trucking.

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. (Added 4-3-13)

Wayside stand, roadside stand, wayside market: (Repealed 5-5-10)

Wholesale business: An establishment for the sale and distribution of goods and merchandise to a retailer for resale as opposed to sale directly to the public. (Added 12-2-87)

Wooded area, forested area: An area containing one of the minimum number of trees of specified size, or combinations thereof, from the following table:

<u>Diameter of Tree at Breast Height</u>	<u>Per Acre</u>	<u>Per One- Half Acre</u>
3.0" - 4.9"	60	30
5.0" - 6.9"	38	19
7.0" - 8.9"	22	11
9.0" - 10.9"	14	7
11.0" - 12.9"	10	5
13.0" - 14.9"	7	4
15.0"+	5	3

Yard: An open space on a lot other than a court unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

Yard, front: An open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.

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Yard, rear: An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps), the rear line of the lot and extending the full width of the lot.

Yard, side: An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot, and extending from the front yard line to the rear yard line.

Zero lot line: The term “zero lot line” means the location of a detached dwelling unit or portion thereof on a lot in such a manner that one of the sides of the dwelling unit rests less than the distance to the side lot line otherwise required in the district and may rest directly on that side lot line. (Added 6-11-08)

Zero lot line development: The term “zero lot line development” means a subdivision reviewed and approved by the county as a single-family detached residential or mixed use development that uses zero lot lines, and in which a minimum separation of ten feet between detached dwelling units is maintained. (Added 6-11-08)

Zoning administrator: The term “zoning administrator” means the officer designated to administer and enforce this chapter, or his or her designee. (Added 7-1-09)

Zoning map amendment: An amendment to the zoning map, which may include changing the boundaries of one or more districts or the district classification of one or more parcels; also sometimes referred to as a “rezoning.” (Added 12-5-12, effective 4-1-13)

Zoning text amendment: An amendment to the regulations of this chapter, which may include amending, changing or supplementing the regulations. (Added 12-5-12, effective 4-1-13)

(§ 20-3.1, 12-10-80, 7-1-81, 12-16-81, 2-10-82, 6-2-82, 1-1-83, 7-6-83, 11-7-84, 7-17-85, 3-5-86, 1-1-87, 6-10-87, 12-2-87, 7-20-88, 12-7-88, 11-1-89, 6-10-92, 7-8-92, 9-15-93, 8-10-94, 10-11-95, 11-15-95, 10-9-96, 12-10-97; § 18-3.1, Ord. 98-A(1), 8-5-98; Ord. 01-18(6), 10-3-01; Ord. 01-18(9), 10-17-01; Ord. 02-18(2), 2-6-02; Ord. 02-18(5), 7-3-02; Ord. 02-18(7), 10-9-02; Ord. 03-18(1), 2-5-03; Ord. 03-18(2), 3-19-03; Ord. 04-18(2), 10-13-04; 05-18(2), 2-2-05; Ord. 05-18(7), 6-8-05; Ord. 05-18(8), 7-13-05; Ord. 06-18(2), 12-13-06; Ord. 07-18(1), 7-11-07; Ord. 07-18(2), 10-3-07; Ord. 08-18(3), 6-11-08; Ord. 08-18(4), 6-11-08; Ord. 08-18(6), 11-12-08; Ord. 08-18(7), 11-12-08; Ord. 09-18(3), 7-1-09; Ord. 09-18(5), 7-1-09; 09-18(8), 8-5-09; Ord. 09-18(9), 10-14-09; Ord. 09-18(10), 12-2-09; Ord. 09-18(11), 12-10-09; Ord. 10-18(3), 5-5-10; Ord. 10-18(4), 5-5-10; Ord. 10-18(5), 5-12-10; Ord. 11-18(1), 1-12-11; Ord. 11-18(5), 6-1-11; Ord. 11-18(6), 6-1-11; Ord. 12-18(3), 6-6-12; Ord. 12-18(4), 7-11-12; Ord. 12-18(6), 10-3-12, effective 1-1-13; Ord. 12-18(7), 12-5-12, effective 4-1-13; Ord. 13-18(1), 4-3-13; Ord. 13-18(2), 4-3-13; Ord. 13-18(3), 5-8-13; Ord. 13-18(5), 9-11-13; Ord. 13-18(6), 11-13-13, effective 1-1-14; Ord. 13-18(7), 12-4-13, effective 1-1-14; Ord. 14-18(2), 3-5-14; Ord. 14-18(4), 11-12-14; Ord. 15-18(1), 2-11-15; Ord. 15-18(2), 4-8-15; Ord. 15-18(4), 6-3-15; Ord. 15-18(5), 7-8-15; Ord. 15-18(10), 12-9-15; Ord. 16-18(1), 3-2-16; Ord. 16-18(7), 12-14-16; Ord. 17-18(1), 1-18-17)

State law reference – Va. Code § 15.2-2286(A)(4).