

ALBEMARLE COUNTY CODE

CHAPTER 18

ZONING

SECTION 21

COMMERCIAL DISTRICTS - GENERALLY

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21.1 INTENT, WHERE PERMITTED

It is intended that commercial districts hereby and hereafter created shall be for the purposes of providing places to conduct commerce and business as well as to provide places of employment and strengthen the local economic base. To these ends, activities involving retail, wholesale and service business shall be permitted at appropriate locations within areas designated as the urban area, communities and villages in the comprehensive plan. A review of transportation impacts shall be a major consideration in the establishment and development of all commercial districts.

(§ 20-21.1, 12-10-80)

21.2 PERMITTED ACCESSORY USES AND STRUCTURES

Uses and structures which are customarily accessory and clearly incidental shall be permitted, provided establishment of the same shall not be permitted until construction has commenced on the principal building or the principal use has been established; and provided further that in no case shall a parking structure other than a parking lot or garage located entirely at and/or below grade, be deemed to be accessory to any use in any commercial district. In no case shall a drive-in window be deemed to be accessory to any use in any commercial district.)

(§ 20-21.2, 12-10-80; 11-7-84)

21.3 OFF-STREET PARKING AND LOADING REQUIREMENTS

Off-street parking and loading space requirements shall be in accordance with section 4.12.

(§ 20-21.3, 12-10-80)

21.4 HEIGHT REGULATIONS

Except as otherwise provided in section 4.10, structures may be erected to a height not to exceed sixty-five (65) feet. The minimum setback requirements for any structure exceeding forty (40) feet or three (3) stories, whichever is less, in height shall be as provided in section 4.20.

(§ 20-21.4, 12-10-80; 9-9-92; Ord. 15-18(4), 6-3-15)

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21.5 SIGN REGULATIONS

Sign regulations shall be as prescribed in section 4.15.

(§ 20-21.5, 12-10-80)

21.6 MINIMUM LANDSCAPED AREA

See section 32.7.9 for landscaping and screening requirements.

(§ 20-21.6, 12-10-80; 7-10-85; 9-9-92)

21.7 MINIMUM YARD REQUIREMENTS

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

- a. *Adjacent to streets.* The minimum and maximum front yards shall be as provided in section 4.20.
- b. *Adjacent to residential, rural areas, or the Monticello Historic districts.* If the abutting lot is zoned residential, rural areas, or the Monticello Historic district, the minimum and maximum side and rear yards shall be as provided in section 4.20.
- c. *Buffer zone adjacent to residential and rural areas districts.* No construction activity including grading or clearing of vegetation shall occur closer than twenty (20) feet to any residential or rural areas district. Screening shall be provided as required in section 32.7.9. The board of supervisors may waive by special exception the prohibition of construction activity, grading or the clearing of vegetation in the buffer in a particular case upon consideration of whether: (i) the developer or subdivider demonstrates that grading or clearing is necessary or would result in an improved site design; (ii) minimum screening requirements will be satisfied; and (iii) existing landscaping in excess of minimum requirements is substantially restored.

(12-10-80, §§ 21.7, 21.7.1, 21.7.2, 21.7.3; 7-10-85, 7-8-92, 9-9-92; Ord. 01-18(3), 5-9-01; Ord. 09-18(1), 1-14-09, § 21.7; Ord. 15-18(4), 6-3-15)

21.8 UTILITY REQUIREMENTS

All utility lines are to be placed underground where practical.

(§ 20-21.8, 12-10-80)

21.9 BUILDING SEPARATION

The minimum building separation shall be as provided in section 4.20.

(§ 20-21.9, 12-10-80; 10-15-86; Ord. 15-18(4), 6-3-15)